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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**REFUGEE MIGRATION SOLUTIONS: THE EUROPEAN
UNION'S ATTEMPT TO CREATE A WIN-WIN**

by

Harrison H. Smith

June 2020

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Second Reader:

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**REFUGEE MIGRATION SOLUTIONS: THE EUROPEAN UNION'S ATTEMPT
TO CREATE A WIN-WIN**

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Captain, United States Army
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Submitted in partial fulfillment of the
requirements for the degree of

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ABSTRACT

Protracted refugee situations are present across the globe and are extremely challenging to solve. The international refugee regime, led by the United Nations High Commissioner for Refugees (UNHCR), has proposed new innovative solutions in an effort to create a mutually beneficial outcome for host nations, local communities, and refugees as outlined in the Global Compact on Refugees (GCR) and the Global Compact on Migration (GCM). The European Union (EU) has sought to implement these ideas to control migration into the Eurozone after 2015. This thesis examines whether the implementation of the new solutions was successful in producing mutual gains for host nations, local communities, and refugees. It accomplishes this by examining the EU-Jordan Compact and the EU-Afghanistan Joint Way Forward agreement, and by comparing the condition of the refugees and the states and communities where they reside, both before and after the implementation of the two agreements. This research concludes that states benefit the most from these deals, while refugees and local communities see minimal or no gains. Both countries' efforts to restructure and take ownership of their migration situations were pivotal to their success. However, this research also shows that the ideals found within the GCM and GCR can slowly incentivize states to change and provide greater benefits for refugees.

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LIST OF ACRONYMS AND ABBREVIATIONS

AI	Amnesty International
ANDPF	<i>The Afghanistan National Peace and Development Framework 2017–2021</i>
CVRRS	<i>Comprehensive Voluntary Repatriation and Reintegration Strategy</i>
DiREC	The Displacement and Return Executive Committee
EC	encashment center
EU	European Union
GCM	<i>Global Compact on Migration</i>
GCR	<i>Global Compact on Refugees</i>
GIRoA	The Government of the Islamic Republic of Afghanistan
HCM	The High Commission for Migration
IDP	internally displaced person
ILO	International Labor Organization
IOM	International Organization for Migration
Jordan 2025	<i>Jordan 2025: A National Vision and Strategy</i>
Jordan Compact	<i>EU-Jordan Compact</i>
JWF	<i>EU-Afghanistan Joint Way Forward Agreement</i>
MOI	Ministry of Interior
MOPIC	Ministry of Planning and International Cooperation
MoRR	The Ministry of Refugees and Repatriation
PDPA	People’s Democratic Party of Afghanistan
RADA	Reintegration Assistance and Development for Afghanistan
ROO	Rules of Origin
SEZ	special economic zones
SIGAR	Special Inspector General for Afghanistan Reconstruction
SSAR	Solution Strategies for Afghan Refugees
TVET	technical and vocational education and training
UNHCR	The United Nations High Commissioner for Refugees

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I. INTRODUCTION

A. MAJOR RESEARCH QUESTION

Protracted refugee situations occur frequently across the globe and often last for generations. These situations are devastating and challenging to solve. At times, they have been described as a “wicked problem.”¹ There are currently over 70 million displaced people worldwide and nearly 26 million are refugees.² Refugee migration can exacerbate domestic problems within states and create more vulnerabilities in nations economically, socially, and politically, particularly in developing countries that face resource shortages. Refugees can increase poverty, lower wages, create price inflation, create competition for resources, and impact access and quality of education. These negative impacts often lead to resentment and animosity in host communities. Host states can feel political pressures from citizens and external players for them to solve these domestic problems, while the flow of refugees into their countries can drain their state’s budgets and exacerbate their national infrastructure. There is always hope that refugees will be a temporary problem, but the reality is that refugees often stay for many years, even multiple generations. Solutions to this wicked problem are difficult to implement, and the international community acknowledges that the international refugee regime, led by the United Nations High Commission for Refugees (UNHCR) needs fixing with new ideas.

Since 2016, the international refugee regime’s proposed innovative solutions have opened some possibilities of creating a win-win for host nations, local communities, and refugees. The proposed Global Compact on Migration (GCM) and Global Compact on Refugees (GCR) advocate incentivizing development aid to promote resiliency of host nations and countries of origin and build livelihoods for refugees. By incentivizing nations through development aid, the new refugee regime would benefit communities and decrease the political pressure on the state that comes from the presence of refugees. In host nations,

¹ Horst Rittel and Melvin Webber, “Dilemmas in a General Theory of Planning,” *Policy Sciences* 4, no. 2 (1973): 155–169, <https://doi.org/10.1007/BF01405730>.

² “Figures at a Glance,” United Nations High Commissioner for Refugees (UNHCR), accessed November 27, 2019, <https://www.unhcr.org/figures-at-a-glance.html>.

as the political pressure decreases, the state could then integrate refugees into the local society and create conditions that encourage refugees to stay in the host nation and to not attempt further migration. The new regime also stipulates that this is possible for countries of origin that have large amounts of refugees returning to their country, and therefore entice them, to reintegrate these returnees back into society to prevent renewed migration. Simultaneously, as state and local communities benefit from development, refugees or returnees will be aided from integrating into society, and as a result migration decreases outside the region of origin. Indeed, the end goal is to create mutual gains for all. It is an ambitious goal, but is it really possible? Can a wealthy nation or regional power implement solutions to migration that can morally and effectively reduce migration at home, help refugees, and develop host nations or countries of origin and their communities? To test this idea and determine if mutual gains are occurring, this thesis examines European Union's (EU) efforts to operationalize these new solutions in Jordan and Afghanistan as case studies.

B. SIGNIFICANCE OF THE RESEARCH QUESTION

The problem of refugees is critical for national security, policy formation, international relations, and human rights. With millions of refugees worldwide and numbers increasing, both refugees and communities are suffering. The world has a responsibility to put forth its best effort to care for such vulnerable populations. Host nations, overwhelmingly from the global south, many among the poorest countries across Asia, Latin America, and Africa, are getting crushed under the burden of refugees. Some of these nations are already fragile, and refugee migration will only further increase their fragility.³ In this hyper-globalized world, there is no question that states matter.⁴ The impact of fragile states that collapse or turn to war and conflict cannot be escaped by the rest of the world, even the global north, or wealthier countries in North America and Europe. There is a global interest in providing for vulnerable populations and improving

³ Alexander Betts and Paul Collier, *Refuge: Transforming a Broken Refugee System* (London: Penguin Books, 2017).

⁴ Susan Strange, "The Defective State." *Daedalus*, vol. 124, no. 2 (Spring, 1995): 55–74.

the overall stability of states and regions for humanitarian purposes as well as security reasons.

This research also applies to the realities on the ground in nations such as the United States and Britain that have sought to isolate themselves from migration, which have led to Brexit and attempts to build walls. The EU's efforts present a different solution than just keeping people out. Although the EU has the end goal of decreasing migration, if they are also able to create mutual gains for refugees, host nations, and communities, they will potentially set a model for other regional powers around the world. If proven, maybe the United States can also limit the pull factors that draw refugees from South and Central America and even create more stability in the western hemisphere. Indeed, these innovative solutions could be an opportunity for the global north to find a morally and politically viable solution to migration—if they work.

Even when conflicts end, the challenge of migration is not over. When refugees return to their country of origin, these returnees face many challenges in reintegrating back into society. There is a need to explore legitimate solutions to ensure the livelihood of refugees from their movement out of the country to their reintegration back into the country upon return. For example, Syrians may be able to return to their country in only a few short months or years, and the world needs to be ready to act when that crucial time comes. If the EU can illustrate marginal success in solving the refugee migration problem from time of flight to return, then the framework of the new refugee regime's solutions could be implemented across the globe. Migration challenges are all over the world and action needs to be taken as soon as possible to protect and promote the livelihood of refugees and resiliency of existing and host nation communities. Lessons learned from those who are implementing these solutions need to be identified, shared, and implemented into future approaches as the world seeks to solve one of the most challenging issues on the planet today.

C. LITERATURE REVIEW

The two schools of thought that address solutions for protracted refugee situations are characterized by two refugee regimes: the UNHCR prior to 2016 and the new refugee

regime, the UNHCR post 2016. The old regime has long advocated that the durable solutions for refugee situations were repatriation, local integration, and resettlement in a third country.⁵ On the other hand, the new refugee regime, the UNHCR post 2016, promotes development aid to host nations or countries of origin to build resiliency of nations and livelihood of refugees. Essentially this new approach builds on the second durable solution, local integration, while downplaying the other two to accommodate present realities across the globe. To assess the viability of this solution, this thesis analyzes both the literature around these two frameworks and the pivotal cases of Jordan and Afghanistan. These countries' deals with the EU represent the implementation of the solutions by the new regime. Overall, this literature review shows the limitations and failures of the old refugee regime's durable solutions, with a focus on the problems of local integration and repatriation.

The first solution, voluntary repatriation, was considered by the old regime to be the premier solution for protracted refugee situations.⁶ Repatriation intuitively would seem to be a solution that should have overwhelming consensus, but there is a debate regarding its viability. Scholars such as Katy Long have argued that voluntary repatriation can be detrimental when the political, communal, and security conditions are not established for refugee return, or if the state and citizenry are not prepared to re-enter into an effective relationship with them.⁷ Scholars also claim that there are various motivating factors by host countries, donors, and countries of origins to begin repatriation pre-maturely. Additionally, scholars argue that pre-mature repatriation can lead to human rights violations upon return. Barbara E. Harrell-Bond argues that reintegration back into their

⁵ "Compilation of Conclusions Adopted by the Executive Committee on the International Protection of Refugees: 1975–2004 (Conclusion No. 1 – 101)," UNHCR, accessed October 25, 2019, <https://www.unhcr.org/publications/legal/41b041534/compilation-conclusions-adopted-executive-committee-international-protection.html>.

⁶ United Nations High Commissioner for Refugees, "Compilation of Conclusions Adopted by the Executive Committee on the International Protection of Refugees: 1975–2004 (Conclusion No. 1 – 101)."

⁷ Katy Long, "Repatriation in the 21st Century: Learning History's Lessons?" *The Point of No Return: Refugees, Rights, and Repatriation* (Oxford University Press, 2013); Barbara E. Harrell-Bond, "Repatriation: Under What Conditions Is It the Most Desirable Solution for Refugees? An Agenda for Research." *African Studies Review* 32, no. 01 (1989): 41–70; Kelly, OConnor "The Politics of (re)-constructing and Contesting Rwandan Citizenship" Refugee Studies Centre Working Paper, no. 92, 2013.

previous society may be just as difficult or even more challenging than their efforts to integrate into the host society.⁸ Marieke Van Houte shows that the experience of displacement, how traumatic or positive it was, directly relates to the refugees ability to successfully repatriate back to their country of origin.⁹

Essentially, repatriation only can occur when the environment is right to enable successful reintegration of this vulnerable group. Even in good political, economic, and security environments, returnees need serious protections and assistance, or they may be worse off. Unsuitable environments make repatriation a less viable solution. The Afghanistan case studies an attempt by the EU to ensure cooperation with the Afghan government to repatriate Afghans from Europe and their efforts to ensure that returnees properly integrate while also helping host communities. This study will determine if the EU is able to ensure the proper conditions of return are met, if they are able to protect and reintegrate returnees into society, or if they are continuing the failed efforts of repatriation by the old regime.

The second solution, local integration, is tied up in the debate between the competing ideas of refugees as a burden on host nations or an economic benefit. Some scholars, such as Gaim Kibreab, argue that refugees have significant human capital they can use in being pro-active economic players in the host country, because they are willing to make great sacrifices so they can work.¹⁰ These scholars believe that a preferred solution is to promote complete refugee integration within the host country, which includes freedom

⁸ Barbara E. Harrell-Bond, "Repatriation: Under What Conditions Is It the Most Desirable Solution for Refugees? An Agenda for Research."

⁹ Marieke Van Houte and Tine Davids. "Development and Return Migration: From Policy Panacea to Migrant Perspective Sustainability." *Third World Quarterly* 29, no. 7 (2008): 1411–1429.

Barbara E. Harrell-Bond, "Repatriation: Under What Conditions Is It the Most Desirable Solution for Refugees? An Agenda for Research."

¹⁰ Alexander Betts, Louise Bloom, Josiah Kaplan, and Naohiko Omata. *Refugee Economies: Rethinking Popular Assumptions*, University of Oxford Refugee Studies Centre (2014); Gaim Kibreab "The Myth of Dependency Among Camp Refugees in Somalia 1979–1989." *Journal of Refugee Studies* 6, no. 4 (1993): 321–349; Karen Jacobsen, "Livelihoods and Economics in Forced Migration" *The Oxford Handbook of Refugee and Forced Migration Studies* (Oxford: Oxford University Press, 2014); Lionel Beehner, "Are Syria's Do-it-yourself Refugees Outliers or Examples of a New Norm?" *Journal of International Affairs* 68, no. 2 (2015): 157; Oliver Bakewell, "Repatriation and Self-Settled Refugees in Zambia: Bringing Solutions to the Wrong Problems" *Journal of Refugee Studies*, vol. 13, no. 4 (December 2000), 356–373.

of mobility and freedom to work, in order to improve the livelihoods of refugees and improve the economy of the host state. However, experts such as Karen Jacobsen, who advocates for promotion of refugee livelihoods through self-reliance, acknowledges that providing the right to work can have detrimental effects to the host countries' citizens if host communities are not benefited first.¹¹ These ideas have now come back to the surface as they are being implemented in the new refugee regime.

The old refugee regime was unsuccessful in promoting local integration and seeing refugees as an economic benefit, because of the domestic pressure or burden refugees brought to host nations. Scholars show that refugees can have a significant negative impact on the labor market of host countries through competition especially in low-skilled jobs, and they can create domestic unrest due to security threats and the possibility of unbalancing the demographics of the state.¹² Research has also shown that refugees can lower wages and increase housing costs in addition to straining the capacity of the state on sanitation networks, waste management, medical facilities, education, military requirements for security, and natural resources.¹³ When refugees receive more aid and have a better life than the host citizens, bitterness and hostility could rise even further.¹⁴ For all these reasons animosity toward refugees are present among host nations.¹⁵ These negative effects of local integration and public discontent are the primary reasons governments want to put refugees in camps, and often if they do not go into camps, they are still excluded from the labor market, unrestrained mobility, and from opportunities to

¹¹ Karen Jacobsen, "Livelihoods and Economics in Forced Migration."

¹² Erik Svein Stave and Solveig Hillesund, *Impact of Syrian Refugees on the Jordanian Labour Market*, Geneva: ILO and FAFO, 2015, https://www.ilo.org/wcmsp5/groups/public/-arabstates/-ro-beirut/documents/publication/wcms_364162.pdf; Gaim Kibreab, "Why Governments Prefer Spatially Segregated Settlement Sites for Urban Refugees." *Refuge: Canada's Journal on Refugees* 24, no. 1 (2007); Lewis Turner. "Explaining the (Non-) Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan." *Mediterranean Politics* 20, no. 3 (2015): 386–404; Karen Jacobsen, "Livelihoods and Economics in Forced Migration"

¹³ Khalid Wazani, *The Socio-Economic Implications of Syrian Refugees on Jordan* (Konrad Adenauer Stiftung: 2014), <https://www.kas.de/einzeltitel/-/content/the-socio-economic-implications-of-syrian-refugees-on-jordan>.

¹⁴ Karen Jacobsen, "Livelihoods and Economics in Forced Migration."

¹⁵ Anne Marie Baylouny, *When Blame Backfires: Syrian Refugees and Citizen Grievances in Jordan and Lebanon* (Cornell University Press (forthcoming), 2020).

be self-reliant. Scholars have pointed to one advantage of camps is to provoke international assistance by having a visible refugee problem they can point to.¹⁶ Yet other scholars have argued that camps can decrease the sovereignty of the nation as the UNHCR and non-state actors provide services and perform functions that the state normally performs.¹⁷ The Jordan case study shows an attempt by the EU to provide significant development aid to Jordan on the condition of the integration of refugees into the host nation's society to include the formal labor market. This study provides an opportunity to determine if the EU was able to use aid to decrease resentment among the host community by addressing the various negative effects of refugees on host nations, and thus decrease pressure on the government to allow them to integrate refugees. In light of all these challenges refugees bring to host nations, the goal of the new refugee regime appears to be a lofty aim.

The third solution, resettlement, although not significantly addressed by the new refugee regime or this research, displays the global north's lack of desire to solve refugee migration by inviting them into their homes. Resettlement is the act of reestablishing refugees in new, third countries, but unfortunately resettlement numbers are diminishing. In 2016, there were approximately 126,000 refugees resettled in third countries, while in 2017 there were 65,000 refugees resettled, and in 2018, approximately 55,000.¹⁸ The United States' resettlement numbers represent how this decline is taking place across the world, as they reflect approximately 78,000 resettlements in 2016, 24,000 in 2017, and 17,000 in 2018.¹⁹ For 2019, the U.S. has allocated a ceiling of 30,000, and for 2020 the United States has already established a maximum of 18,000 refugees resettled, the lowest

¹⁶ Lewis Turner, "Explaining the (Non-) Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan," Karen Jacobsen, 2002. "Can Refugees Benefit the State? Refugee Resources and African State-building," *The Journal of Modern African Studies* 40, no. 4: 577–596; Oliver Bakewell, "Encampment and Self-settlement," *The Oxford Handbook of Reasons and Normativity* (Oxford University Press, 2018).

¹⁷ Amy Slaughter and Jeff Crisp, "A Surrogate State? The Role of UNHCR in Protracted Refugee Situations," *Protracted Refugee Situations*, 123–40; Mac McClelland, "How to Build the Perfect Refugee Camp," *New York Times Magazine*, 13 Feb 2014.

¹⁸ "Resettlement Data," UNHCR, accessed October 28, 2019, <https://www.unhcr.org/resettlement-data.html>.

¹⁹ "Total Submissions and Departures to the United States of America," UNHCR, accessed March 28, 2020, <https://www.unhcr.org/en-us/resettlement-data.html>.

amount since 1980.²⁰ It is clear that resettlement is only a solution for a few. Experts like Kathleen Newland, argue that fear, xenophobia, and anti-terror concerns have negatively affected public perceptions and policy, and thus explain the policies generating smaller numbers.²¹ The advantage in resettlement is that nations have complete control over who and how many refugees they take, whereas asylum seekers come at any time and in any number.²² Despite resettlement having positive results in protecting and caring for refugees, it is not a practical solution for the majority.

Understanding the limitations and failures of the old refugee regime is important in analyzing the goals and aims of the new refugee regime. In an effort to overcome the shortcomings of the past, the UN has developed two compacts, the GCM and the GCR, which outline the new strategy and principles of this new refugee regime. The GCM seeks “to optimize the overall benefits of migration,” reduce the impact of irregular migration, protect migrants, and help all communities thrive.²³ The GCM seeks to create a “win-win” environment that is focused on benefiting all people through a focus on improving livelihoods to prevent migration; when migration does occur, the GCM promotes social inclusion of migrants and the empowerment of migrants to contribute to sustainable development wherever they reside.²⁴ It also promotes the need to allow migrants to use their human capital to seek the best livelihood opportunities, while at the same time acknowledging the need to strengthen the local communities to minimize inequalities and

²⁰Jens Krogstad, “Key Facts about Refugees to the U.S.,” Pew Research Center, accessed October 28, 2019, <https://www.pewresearch.org/fact-tank/2019/10/07/key-facts-about-refugees-to-the-u-s/>.

²¹ Joanne Van Selm “Refugee Resettlement,” *The Oxford Handbook of Refugee and Forced Migration Studies* (June 2014), <https://doi.org/10.1093/oxfordhb/9780199652433.013.0014>; Kathleen Newland and Randy Capps, “Why Hide the Facts About Refugee Costs and Benefits?” Migration Policy Institute-Commentaries, September 2017, <https://www.migrationpolicy.org/news/why-hide-facts-about-refugee-costs-and-benefits>; Maryellen Fullerton, “Terrorism, Torture, and Refugee Protection in the United States” *Refugee Survey Quarterly*, Legal Studies Paper No. 209 (October 2015); Kathleen Newland and T. Alexander Aleinikoff, “The U.S. Refugee Resettlement Program Is an Unsuitable Target” *Migration Policy Institute*, Commentaries (January 2017), <https://www.migrationpolicy.org/news/refugee-resettlement-program-unsuitable-target>.

²² Joanne Van Selm “Refugee Resettlement.”

²³ United Nations, “Global Compact for Safe, Orderly and Regular Migration” (New York: July 2018), accessed November 25, 2019, https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf, 3.

²⁴ United Nations, “Global Compact for Safe, Orderly and Regular Migration,” 3.

public discontent. In this light, the GCM seeks to use migration to fulfill the UN 2030 Agenda for Sustainable Development for wherever migrants are located. Overall, the GCM provides a framework for international cooperation led by national policy and strategy to prevent migration, protect and empower migrants, benefit host communities through development, and to create conditions for refugees to return and reintegrate in their countries of origin. The GCM as a framework does not provide much detail on how these goals could be accomplished, especially by using development to help solve migration issues. However, the GCR provides much more clarity on how the new refugee regime's beliefs could be executed.

The GCR has four objectives: to “(i) ease pressure on host countries;(ii) enhance refugee self-reliance; (iii) expand access to third country solutions; (iv) support conditions in countries of origin for return in safety and dignity.”²⁵ It does not disregard the long-held durable solutions, but rather, it seeks to address the root causes of protracted refugee situations “to facilitate access to durable solutions” and address the needs of host communities.²⁶ Two major themes that run through the document are that refugees and host communities both need attention and support, and that responses to any refugee situation must be led by the national leadership and their objectives. The GCR also requires national governments to create a comprehensive plan, or support plan, regarding how to address support to refugees and their own resilience efforts which includes humanitarian and development needs.

Additionally, the Global Refugee Forum, groups of states in the international community, or other actors would come together through pledges and donations to fund the objectives of individual states' support plans. The GCR states, “The mobilization of timely, predictable, adequate and sustainable public and private funding nonetheless is key to the successful implementation of the global compact.”²⁷ In line with the GCM, this is

²⁵ United Nations, “Global Compact on Refugees,” *Report of the United Nations High Commissioner for Refugees* (New York, 2018). accessed November 25, 2019, https://www.unhcr.org/gcr/GCR_English.pdf, 2.

²⁶ United Nations, “Global Compact on Refugees,” 16.

²⁷ United Nations, “Global Compact on Refugees,” 6.

all in an effort to benefit host countries, refugees, and host communities. This benefit for host nations and refugees largely surrounds the idea of using international funding to allow host nations to continue to progress toward sustainable development goals, support educational quality and access, access to health systems, empowering and protecting women, girls, and youth, and ensuring negative environmental impacts are mitigated. Yet the major benefit to refugees and host nations is that the GCR advocates that refugees and host communities have economic opportunities and access to the labor market in order to promote livelihoods. It also mentions a possibility of host nations working out preferential trade agreements when there is a large amount of refugee participation, which could attract investment. Funding would also be used to help promote durable solutions such as ensuring the proper conditions for repatriation and support for their reintegration. The GCR also seeks to “enlarge the scope, size, and the quality of, resettlement programmes.”²⁸ Overall, the GCR and GCM outline the new priorities and strategy of the new refugee regime that seek to create win-win or mutual beneficial opportunities.

Alexander Betts and Paul Collier wrote *Refuge: Transforming a Broken Refugee System*, that encapsulates the ideas surrounding the new refugee regime’s solutions. They argue that the old refugee regime’s durable solutions were highly unsuccessful, and that in “2015 fewer than 2% of the world’s refugees received access to one of the durable solutions. The international systems have therefore become long-term humanitarian aid providers.”²⁹ They argue that every refugee should expect “rescue, autonomy, and an eventual route out of limbo,” but that the options they are faced with are either “long-term encampment, urban destitution, or perilous journeys.”³⁰ As pioneers in the new refugee regime, they argue that refugee situations must be looked at as not only a humanitarian issue, but also as an opportunity for development where states can benefit from development growth and refugees can benefit from increased livelihood opportunities and greater autonomy. They claim that fragile states are a driving force for creating refugees and that a lack of livelihood opportunities within the region of origin cause refugees to

²⁸ United Nations, “Global Compact on Refugees,” 18.

²⁹ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 8.

³⁰ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 7, 9.

make long and dangerous journeys. They, too, promote a win-win approach that gets at solving the previous collective action problem that suggests the global north funds the global south's hosting of refugees with incentives to promote economic participation and livelihoods for refugees. They promote host nation economic and development through international community funding, preferential trade agreements, and integrating global business incentives. They claim that this funding benefits the global north by de-incentivizing mass refugee movement. They show how their ideas were influential in creation of the first compact with this approach in the EU-Jordan Compact. In general, their approach was adopted by the new refugee regime.

It is important to note that these ideas have not been universally accepted. There are scholars, such as Cindy Huang, who do support the notions and principles of such global compacts and the new refugee regime, although they acknowledge that such compacts are not perfect and that it must be associated with proper policies.³¹ However, there are many as well who reject these global compacts or view them with great skepticism. For example, the United States, Hungary, Czech Republic, and Poland voted against it and six other EU-nations abstained or did not vote.³² Major criticisms consists of concerns such as sovereignty, the unethical approach of having the global north shirk

³¹ Michael Clemens, Cindy Huang, Jimmy Graham and Kate Gough, "Migration Is What You Make It: Seven Policy Decisions that Turned Challenges into Opportunities" Center for Global Development, May 2018, accessed November 25, 2019, <https://www.cgdev.org/publication/migration-what-you-make-it-seven-policy-decisions-turned-challenges-opportunities>; Cindy Huang, Nazanin Ash, Katelyn Gough, and Lauren Post, "Designing Refugee Compacts: Lessons from Jordan." *Forced Migration Review* 57, February (2018), <https://www.fmreview.org/syria2018/huang-ash-gough-post>; "A global compact on migration: placing human rights at the heart of migration management," European Union, November 1, 2019, accessed November 25, 2019, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614638/EPRS_BRI\(2017\)614638_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/614638/EPRS_BRI(2017)614638_EN.pdf); Heliodoro Temprano Arroyo, *Using EU Aid to Address the Root Causes of Migration and Refugee Flows* (Florence: EUI, 2019), <https://data.europa.eu/doi/10.2870/463755>.

³² Georgi Gotev, "Nine EU Members Stay Away from UN Migration Pact," *Euractiv*, December 29, 2018, <https://www.euractiv.com/section/global-europe/news/nine-eu-members-stay-away-from-un-migration-pact/>.

their responsibilities for caring for refugees by providing aid, security concerns, and the feasibility of actually operationalizing the GCM.³³

The EU has sought to implement the principles of the GCR and GCM. The Council of the EU in 2016 articulated that reducing the flow of irregular migration by working through comprehensive partnerships or compacts was its top priority.³⁴ The EU determined to mobilize significant amounts of money “to address the root causes of irregular migration and forced displacement and to build up the capacity of host communities.”³⁵ The EU implemented the tenets of the new refugee regime through the creation of compacts and other agreements with other countries. They have created many agreements, yet those which are considered in this thesis are the *EU-Jordan Compact* (Jordan Compact) and the *EU-Afghanistan Joint Way Forward Agreement* (JWF).

The literature surrounding the Jordan Compact examines whether the aims of the new refugee regime are being achieved or not in a country of first asylum. The compact redefines a new comprehensive relationship between Jordan and the EU. It focuses on establishing monetary, trade, and development incentives by the EU that benefit the government and host nation communities while Jordan agrees to integrate Syrian refugees, which includes access to the formal labor market.³⁶ Significant amount of literature presents the Jordan Compact as the hopeful demonstration of mutual gains to host nations,

³³ “Briefing: The New Global Refugee Compact,” The New Humanitarian, 18 December 2018, <https://www.thenewhumanitarian.org/analysis/2018/12/18/briefing-new-global-refugee-pact>; “Briefing: The New Global Migration Compact” The New Humanitarian, 12 December 2018, <https://www.thenewhumanitarian.org/analysis/2018/12/12/briefing-new-global-migration-pact>; Georgi Gotev, “Nine EU Members Stay Away from UN Migration Pact,” Ferruccio Pastore, “Not So Global, Not So Compact,” Istituto Affari Internazionali, January 8, 2019, <https://www.iai.it/en/pubblicazioni/not-so-global-not-so-compact>.

³⁴ “Communication from the Commission on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration” Council of the European Union (Brussels: 9 June 16) accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10014-2016-INIT/en/pdf>.

³⁵ Council of the European Union, “Communication from the Commission on Establishing a New Partnership Framework with Third Countries under The European Agenda on Migration,” 17.

³⁶ “Annex to the Joint Proposal for a Council Decision on the Union Position within the Association Council set up by the Euro-Mediterranean Agreement Establishing an Association Between The European Communities and their Member States, of the one part, and The Hashemite Kingdom of Jordan, of the other part, with Regard to the Adoption of EU Jordan Partnership Priorities and Annexed Compact,” Council on the European Union (Brussels: 20 September 2016), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-12384-2016-ADD-1/en/pdf>.

refugees, countries of origin, and their financiers as advocated by new refugee regime, as it reflects the operationalizing of the GCR.³⁷ Another response to the compact reflects that there is some hope to achieve these aims, but that so far the agreement has not produced substantial gains for refugees, especially in regards to formal labor market participation.³⁸ Research shows that the agreement has produced real benefits to Jordan in terms of aid and development.³⁹ However, the ability to maximize the trade deal which includes the utilization of special economic zones to both benefit refugees and Jordan has not yet been realized.⁴⁰ The literature lacks a comprehensive explanation of the actual compact and all its components. The literature also does not explain how the government of Jordan approaches the compact. In that regard, there is little information regarding whether Jordan

³⁷Council on the European Union, "... Adoption of EU Jordan Partnership Priorities and annexed Compact," Paul Collier, "If You Really Want to Help Refugees, Look beyond the Mediterranean," *The Spectator*, August 8, 2015, <https://www.spectator.co.uk/2015/08/if-you-really-want-to-help-refugees-look-beyond-the-mediterranean/>; Betts and Collier, *Refuge: Transforming a Broken Refugee System*; Shyamantha Asokan, "A View of Migration: A Win-Win for Refugee and Tech" Sci Dev Net, January 15, 2016, <http://www.scidev.negt/global/migration/analysis-blog/view-migration-win-place-refugee-jobs.html>; Heliodoro Temprano Arroyo, *Using EU Aid to Address the Root Causes of Migration and Refugee Flows*.

³⁸ Katharina Lenner and Lewis Turner, "Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan," *Middle East Critique* 28, no. 1 (January 2, 2019): 65–95, <https://doi.org/10.1080/19436149.2018.1462601>; *Still in Search of Work – Creating Jobs for Syrian Refugees: An Update on the Jordan Compact*, International Rescue Committee, April 24, 2018, accessed August 17, 2019, <https://www.rescue.org/report/still-search-work-creating-jobs-syrian-refugees-update-jordan-compact>; Daniel Howden, Hannah Patchett, and Charlotte Alfred, "The Compact Experiment: Push for Refugee Jobs Confronts Reality of Jordan and Lebanon," *Atavist*, December 13, 2017, <http://issues.newsdeeply.com/the-compact-experiment>.

³⁹ Jordan Response Platform, "JRP 2018 Financial Update," 30 May 2019 accessed September 23, 2019, [http://www.jrp.gov.jo/Files/JRPFinancialUpdate\(Year2018\).pdf](http://www.jrp.gov.jo/Files/JRPFinancialUpdate(Year2018).pdf); Cindy Huang and Kate Gough, "The Jordan Compact: Three Years on, Where Do We Stand?," Center for Global Development, accessed July 22, 2019, <https://www.cgdev.org/blog/jordan-compact-three-years-on>; "Joint Staff Working Document Report on EU-Jordan relations in the Framework of the Revised ENP," Council of the European Union (Brussels: 13 June 2017), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10319-2017-INIT/en/pdf>.

⁴⁰ "Council Decision on the Position to be taken, on behalf of the European Union, within the Association Committee Established by the Euro-Mediterranean Agreement Establishing an Association Between The European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as Regards An Amendment to Protocol 3 to that Agreement Concerning the Definition of the Concept Of 'Originating Products' and Methods of Administrative Cooperation," Council of the European Union (Brussels: 27 November 2018), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10147-2018-REV-1/en/pdf>; Heaven Crawly, "Why Jobs in Special Economic Zones Won't Solve the Problems Facing the World's Refugees" *The Conversation*, 6 April 2017. <https://theconversation.com/why-jobs-in-special-economic-zones-wont-solve-the-problems-facing-the-worlds-refugees-75249>; Heliodoro Temprano-Arroyo, "Promoting Labour Market Integration of Refugees with Trade Preferences: Beyond the EU-Jordan Compact," *SSRN Electronic Journal*, 2018, <https://doi.org/10.2139/ssrn.3293829>.

is able to take ownership of the situation and capitalize on the donations to benefit Jordan's resilience?

The literature concerning the JWF also discusses whether the aims of the new refugee regime are being achieved or not in Afghanistan. The JWF is a non-binding readmission agreement that ensures cooperation from the Government of Afghanistan to allow for returns, while the EU promises a financial incentive package to benefit the government, existing communities, and returnees through reintegration efforts and job creation opportunities.⁴¹ Major consensus exists that the JWF is extremely negative for returning refugees, as they are put into an unsafe environment within a fragile state, and many organizations have called for all returns under the agreement to be stopped, even in the EU.⁴² Research has shown that livelihood opportunities often are worse after returning to Afghanistan.⁴³ The literature lacks any evidence whether there have been any benefits for the existing communities, governments, or refugees due to the JWF. It also lacks the perspective whether aid packages had any major increases after the JWF was signed, and whether the government of Afghanistan was able to take ownership of the situation.

⁴¹ "Joint Way Forward on Migration issues between Afghanistan and the EU," European Union, October 2, 2016, https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf.

⁴² Claire Rimmer, "EU Migration Policy and Returns: Case Study on Afghanistan," European Council on Refugees and Exiles (Belgium, 2017), <https://www.ecre.org/wp-content/uploads/2017/11/Returns-Case-Study-on-Afghanistan.pdf>; Amnesty International, "Forced Back to Danger: Asylum Returns from Europe to Afghanistan." (London, 2017) <https://www.amnesty.org/download/Documents/ASA1168662017ENGLISH.PDF>; Marion Guillaume, Nassim Majidi, Samuel Hall, "From Europe to Afghanistan: Experiences of Child Returnees," Save the Children Resource Centre, October 16, 2018, <https://resourcecentre.savethechildren.net/library/europe-afghanistan-experiences-child-returnees>; "The EU-Afghanistan Joint Way Forward on Migration: A New Low for the EU," International Federation for Human Rights, accessed November 11, 2019, <https://www.fidh.org/en/issues/migrants-rights/the-eu-afghanistan-joint-way-forward-on-migration-a-new-low-for-the>; "Addressing Refugee and Migrant Movements: The Role of EU External Action," Office Journal of the European Parliament, April 5, 2017, https://www.europarl.europa.eu/doceo/document/TA-8-2017-0124_EN.html?redirect.

⁴³ World Bank Group and UNHCR, "Living Conditions and Settlement Decisions of Recent Afghan Returnees: Findings from a 2018 Phone Survey of Afghan Returnees and UNHCR data" June 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/Living-Conditions-and-Settlement-Decisions-of-Recent-Afghan-Returnees-Findings-from-a-2018-Phone-Survey-of-Afghan-Returnees-and-UNHCR-data.pdf>; Tabasum Akseer, Mohammed Shoaib Haidary, Khadija Hayat, Fahim Ahmad Yousufzai, "Survey of The Afghan Returnees 2018" *Asia Foundation*, <https://asiafoundation.org/wp-content/uploads/2019/05/A-Survey-of-the-Afghan-Returnees-2018.pdf>; Abdullah Mohammadi, Mohammad Jalal Abbasi-Shavazi, and Rasoul Sadeghi, "Return to Home: Reintegration and Sustainability of Return to Post-Conflict Contexts," *Demography of Refugee and Forced Migration*, International Studies in Population (Springer International Publishing, 2018), 251–70, https://doi.org/10.1007/978-3-319-67147-5_13.

Another connection that the literature fails to explore is the connection between the JWF and the EU-Turkey agreements.

There are important unanswered questions in the literature surrounding the JWF and Jordan Compact that should be explored and brought to light. This thesis hopes to add to the existing dialogue on the operationalization of the GCR and GCM and determine whether mutual benefits have occurred or not.

D. POTENTIAL EXPLANATIONS AND HYPOTHESES

My hypothesis prior to research was that overall, mutual gains do occur among refugees, host nations, and host communities, but that the degree of gain is unequal for the EU, the state, and the refugees. The EU, who is a regional power and has the ability to seek its own self-interest above all others, secures their own “win.” The next “winner” is the host nations and countries of origin, who are capitalizing off the interests of the EU to decrease migration to Europe. Depending on how well the host nation or country of origin can take ownership in the refugee situation, they benefit from the aid, development projects, and money that is provided by the international community.

Additionally, my hypothesis is that refugees who are in a position of disadvantage and not part of the negotiations, always get the worst part of the deal; however, they may be better off with the agreements than without them. I explain my approach to address these hypotheses as part of the research design.

E. RESEARCH DESIGN

The EU has entered multiple deals with various countries in order to address its refugee migration problems. EU’s deal with Jordan is chosen as a case study because it is the pilot program to operationalize the global compacts. Additionally, the Jordan Compact lays out specific measures to produce mutual benefits to include the creation of a better trade relationship, large money, and development packages to promote resiliency at home, and incentives to promote livelihoods of refugees. The Afghanistan compact provides an opportunity to analyze the implementation of the principles of the new refugee regime on the return of refugees. A good solution for promoting hosting refugees is only half a

solution, whereas finding solutions for the return of refugees to their country of origin is crucial part of this conversation. Afghanistan also is important because of the thousands of lives lost there since 2001 and the billions of dollars that the United States has already spent in the country therefore giving it a vested interest in the country. Overall, Syrian and Afghan refugees represent the two largest refugee communities.⁴⁴

In order to analyze these two cases, the comparative approach is used. This thesis compares the livelihood of refugees and the impact of refugees or returnees on the state and local communities before and after each agreement to determine if mutual benefit occurred for the state, communities, and refugees. The Jordan Compact claims that the livelihoods of refugees, the amount of aid given to the nation, education for both refugees and the host communities, trade, and the labor market will all be benefited. Therefore, I examine these areas prior to the Jordan Compact and after to determine if there was a benefit. I primarily use official EU documents, Jordan Government documents such as the annual Jordan Response Plans, surveys of refugees, and studies on education and labor markets, to determine if the details of the agreement produced mutual gains.

The JWF allows for the return of Afghan refugees to Europe and in return the EU would provide monetary and development benefits to the state and to the primary re-integration organization, the International Organization for Migration, in order to prevent migration, increase livelihoods of returnees, and address needs of the existing community. There is also evidence that this agreement ensured the continuation of international aid by the EU. Therefore, the benefits of international aid are also examined. Just as in the case with Jordan, I examine each group before and after the agreement to determine whether there were mutual gains. I examine official EU documents, Afghan government documents, aid budgets, developmental programs by the World Bank and other organizations, refugee surveys, and academic studies on the return process to determine if there were actual mutual gains.

⁴⁴ “Figures at a Glance,” UNHCR, accessed November 27, 2019, <https://www.unhcr.org/figures-at-a-glance.html>.

F. THESIS OVERVIEW

This thesis has five chapters, including an introduction, background information on the EU, a chapter on the Jordan Compact, a chapter on the JWF agreement, and a concluding chapter that brings an analysis of these cases together. Chapter two is a short section that gives the background on why the EU was so desperate for solutions to refugee migration. Chapters three and four both compare the states of Afghanistan and Jordan before and after their respective agreements and determine whether they were able to create a win-win. In chapter three, the delivery of aid to Jordan due to the Jordan Compact is analyzed by comparing the impact on refugee livelihoods, education, the labor market, and the ability of Jordan to be able to capitalize on this aid. In chapter four, aid packages and programs that have come through JWF and other EU-Afghan agreements is analyzed to compare the impact on returnee livelihoods, the ability of the Afghan government to make the most of this aid, and any sign of benefit to the existing communities. The last chapter, the conclusion, lessons learned are presented and recommendations for U.S. policy.

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II. BACKGROUND: THE EU'S SOLUTION TO THE 2015 MIGRATION CRISIS

The 2015 migration crisis significantly impacted two long-held identities within the European Union (EU): the identities of being a unified bloc of European nations working to preserve peace and prosperity and being a leader in humanitarian principles. Unity is at the heart of the creation of the EU. The EU is a supranational entity that united modern nation states in order to establish peace and prosperity. Both World War I and World War II derived out of disunity within Europe, and the creation of the EU is a border system that incentivizes unity over war. All member states are defined by this unity and were willing to unite under a governing body and give up certain rights and powers to the EU. The EU also “presents itself as a champion of liberal democratic values” and as a leader in human rights.⁴⁵ In 2015 these identities clashed as the geo-political architecture was challenged by hundreds of thousands of migrants entering the EU. This chapter argues that the geo-political implications of this migrant crisis created legitimacy and identity problems for the EU and, in an effort to preserve the EU itself and its identities, the EU decided to outsource migration control to other countries. In order to demonstrate this argument, I present the incentives for migration into the EU and the crisis that unfolded due to the interaction of failed border policies and enforcement and by the unilateral decisions of member states not to abide by EU policy. I show how these failures led to the reemergence of the identity of sovereignty in member states. Lastly, I will articulate how the migration crisis of 2015 led to no major border policy changes within the EU, but instead how the EU outsourced migration control to other countries for self-preservation and to maintain their European identities.

By the end of 2015, a flow of over 1.8 million irregular migrants entered the EU.⁴⁶ How did this happen? Failed border policies and enforcement at a time of regional

⁴⁵ Klaus Dodds, *Geopolitics: A Very Short Introduction* (Oxford, United Kingdom: Oxford University Press, 2019), 109.

⁴⁶ Marion MacGregor, “Changing Journeys: Migrants Routes to Europe” Info Migrants, February 13, 2019, <https://www.infomigrants.net/en/post/15005/changing-journeys-migrant-routes-to-europe>.

instability outside the EU, led to a situation where the EU failed to successfully manage flows of people across its borders.⁴⁷ The two major border policies were the Schengen Agreement and the Dublin Regulation. The Schengen Agreement was signed in 1985 and created the Schengen Area where member states of the agreement do not enforce their borders. The Schengen Area “remains one of the world’s biggest areas that have ended border control between member countries.”⁴⁸ Any one within the agreement can essentially travel unhindered to other states within the Schengen Area. This area that was seemingly without borders was symbolic of this European identity of unity.⁴⁹ However, Paul Collier and Alexander Betts argue that this lack of internal borders was overly symbolic of that unity and that the policy failed to ensure practical immigration control.⁵⁰ An internal policy that did not enforce borders may have worked well if there was effective external border policies and robust external border enforcement, but that was not the case.

The Dublin Regulation and the border enforcement agency, Frontex, were the primary tools the EU used to control flows of people. The Dublin Regulation “prescribed that the first European country in which an asylum seeker arrived” is responsible for registering the migrant, for determining the asylum case, and for ensuring that onward migration did not occur into other member states.⁵¹ However, there was no incentive for front-line countries of the EU to maintain the burden of thousands of migrants, and therefore the incentive was to not enforce the Dublin Regulation but allow for onward migration to other member states without registering the migrants.⁵² This weak border policy was partnered with a weak border enforcement agency, and Frontex was not like

⁴⁷ Alexander Betts and Paul Collier, “The Panic,” *Refuge: Transforming a Broken Refugee System* (London: Penguin Books, 2017), 62–94.

⁴⁸ “Schengen Agreement” Schengen Visa Info, last modified October 1, 2019, <https://www.schengenvisainfo.com/schengen-agreement/>.

⁴⁹ Alexander Betts and Paul Collier, *Refuge: Transforming a Broken Refugee System* (London: Penguin Books, 2017), 63.

⁵⁰ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 63.

⁵¹ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 63.

⁵² Betts and Collier, *Refuge: Rethinking Refugee Policy in a Changing World*, 65.

U.S. Border Patrol with direct responsibility for enforcing borders in the EU.⁵³ Rather, Frontex was a small force with loaned border agents that coordinated with other member states' border agencies to help secure the outer borders of the EU, and therefore most of the manning and budget was dependent upon member states.⁵⁴ This led to a situation in which the EU had minimal ability to provide deliberate enforcement of borders, and the majority of the onus was indirectly heaped on the member states. Weak border policies and enforcement created a picket fence around the EU's borders and coastline which extend more than 30,000 miles.⁵⁵ If one simply jumped the picket fence, they had free reign of all the Schengen Area. The EU was living in a false sense of security for years because its vast coastline, or natural borders, had made it extremely dangerous to cross, especially regarding the Mediterranean Sea. It is possible these weak border policies were made considering the idea that geography would protect the EU from major flows of people. Regardless, soon the dangers of the Mediterranean were overpowered by incentives for people to come to Europe.

A major incentive for migration to Europe occurred as the Arab Spring in 2011 enabled illegal smuggling routes to be exploited into Europe and created an impetus for migration due to major instability and violence.⁵⁶ The Arab Spring began in northern Africa and spread across the Middle East. It challenged autocratic rule with pro-democratic protests. Regimes fell in North Africa while other regimes hardened their stance, such as the Syrian Regime which led to a protracted civil war that caused millions to flee and seek refuge outside Syria's borders. Syrian refugees became the largest population of refugee migration on the globe. The demand for human smuggling was great. The Arab Spring resulted in North African countries losing control over parts of their northern borders, and smugglers exploited the instability to create pathways into Europe across the

⁵³ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 65–66.

⁵⁴ Ben Taylor, "Leaving the European Union: Frontex and UK Border Security Cooperation Within Europe," House of Lords, In Focus, April 24, 2017, <http://researchbriefings.files.parliament.uk/documents/LIF-2017-0039/LIF-2017-0039.pdf>

⁵⁵ Central Intelligence Agency, "World Factbook: The European Union," accessed March 6, 2020, <https://www.cia.gov/library/publications/the-world-factbook/geos/ee.html>.

⁵⁶ Betts and Collier, "The Panic," 62–94.

Mediterranean Sea.⁵⁷ Eventually smugglers created multiple routes via land and sea. With pathways created into Europe, migrants from the Middle East, Africa, and Asia did the mental analysis and chose to take the risk of a potentially deadly journey to seek a better life in Europe.⁵⁸

As migrants flowed into the EU, the Dublin Regulation broke down and the Schengen Area was penetrated by migrants.⁵⁹ The Dublin Regulation was really put the test in Greece and Italy, where more than 100,000 migrants entered Italy and 800,000 in Greece during 2015.⁶⁰ Both of these countries' asylum systems were overwhelmed. Both countries simply could not manage the flows of people. In Greece, migrants were waiting up to two years for their asylum case to be heard, and in result Greece provided camps to house them.⁶¹ Yet, these border states were unable to keep migrants from moving onwards to other EU countries. First, migrants would simply leave the border country and seek work in the informal sector in other member states.⁶² Second, front-line states turned a blind eye to migrants and did not register them, so that if they were caught in another member state then they would not be returned to that border state.⁶³ The EU's open border policies created chaos. What made matters worse was that in August 2015, the Chancellor of Germany, Angela Merkel, decreased the effectiveness of both border policies even further by inviting refugees to come to Germany. Germany's decision to not abide by EU external

⁵⁷ Betts and Collier, *Refuge: Rethinking Refugee Policy in a Changing World*, 67.

⁵⁸ "Main Irregular Border Crossing Routes by Nationalities, 2010–2015," ESPON European grouping on Territorial Cooperation, Frontex, and Eurostat, 2015. Found in "Territorial and Urban Aspects of Migration and Refugee Inflow" ESPON EGTC, December 15, 2015 accessed March 6, 2020 <https://www.espon.eu/topics-policy/publications/maps-month/territorial-and-urban-aspects-migration-and-refugee-inflow>

⁵⁹ Alexander Betts and Paul Collier, "The Panic," 62–94.

⁶⁰ European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO), "Migration/ Refugee Crisis – Arrivals to Greece and Italy 2015 – March 2017" ECHO Daily Map, April 18, 2017, accessed March 6, 2020, <https://reliefweb.int/map/greece/migration-refugee-crisis-arrivals-greece-and-italy-2015-march-2017-echo-daily-map>.

⁶¹ Eleanor Paynter, "Europe's Refugee Crisis Explains Why Border Walls Don't Stop Migration" The Conversation, January 30, 2019, <http://theconversation.com/europes-refugee-crisis-explains-why-border-walls-dont-stop-migration-110414>.

⁶² Betts and Collier, *Refuge: Rethinking Refugee Policy in a Changing World*, 70.

⁶³ Betts and Collier, *Refuge: Rethinking Refugee Policy in a Changing World*, 70.

border policy accelerated the rate and amount of migration into the EU. As border policies were failing while being undermined by Germany, the activation of identities played the greatest role in determining the EU's solution to the crisis.

The rise in migration flows into the EU in 2015 led to a clash or conflict between the two major EU identities of unity and being a humanitarian world leader, and in result a reemergence of the identity of sovereignty and nationalism within member states occurred. Germany clearly displayed this identity of being a humanitarian by opening its borders but showed a lack of unity within the EU by not following EU border policy. Almost immediately upon the announcement of Merkel's announcement to open Germany's borders, alterity arose, and other countries began shutting down borders. Hungary's Viktor Orban activated the identity of national sovereignty and decided to stop the flow of migration into the EU by building a wall along its southern border. Immigration has been shown to create a public and political backlash which can be activated by xenophobic sentiments and the imperative to protect national identities.⁶⁴ The far-right political backlash was often not only anti-immigration, but also anti-EU as has been seen with Brexit.⁶⁵ Far right policies began to increase throughout the EU.⁶⁶ The result was a partial disintegration of the free flow of people in the Schengen Area. Ainhua Ruiz Benedicto and Pere Brunet argue that politicians "manipulated public opinion to create irrational fears of refugees. This xenophobia sets up mental walls in people, who then demand physical walls."⁶⁷ They also explain that by 2018, ten member states had established walls on their borders. Indeed, by March 2016, many member states began enforcing their own borders.⁶⁸

⁶⁴ Ronald F. Inglehart and Pippa Norris, "Trump, Brexit, and the Rise of Populism: Economic Have-Nots and Cultural Backlash." (Harvard Kennedy School Faculty Research Working Paper Series, August 2016), <https://research.hks.harvard.edu/publications/getFile.aspx?Id=1401>.

⁶⁵ Andre Tartar, "How the Populist Right Is Redrawing the Map of Europe" Bloomberg, December 11, 2017, accessed March 9, 2020, <https://www.bloomberg.com/graphics/2017-europe-populist-right/>

⁶⁶ Andre Tartar, "How the Populist Right Is Redrawing the Map of Europe"

⁶⁷ Ainhua Ruiz Benedicto and Pere Brunet, *Building walls: Fear and Securitization in the European Union*, Transnational Institute, November 09, 2018, <https://www.tni.org/en/publication/building-walls>.

⁶⁸ "Europe's Free Travel Zone in Danger: Map of Temporary Border Controls in the Schengen Area, March 2016," Political Geography Now, March 3, 2016, <https://www.polgeonow.com/2016/03/map-schengen-temporary-border-controls.html>.

The EU identity of unity was overpowered in many instances by the identity of sovereignty, which resulted in physical enforcement of borders on the ground.

The other major EU identity of being a world leader in human rights was in crisis at the same time. The natural border that the EU had relied upon for so many years to help control migration was causing death as flows of migrants continued to enter the EU. Over 3,700 migrants were killed in the Mediterranean in 2015.⁶⁹ The migration crisis created a humanitarian crisis, which put the EU in the limelight of the world. International outrage occurred as deaths in the Mediterranean soared and as the image of Alan Kurdi, a three-year-old Syrian refugee who had washed onto Turkey's shores, spread across the internet and television. The EU was in a tough spot. It wanted to maintain unity within the EU and maintain its humanitarian values, but member states began to question the importance of unity and the international community began to question the EU's self-proclaimed role as a humanitarian world leader. The EU was in desperate need of a solution to their migration problem.

The EU initially decided to try to share the burden of migration across member states, and appeal to the idea that unity could solve the problem. In late 2015, the EU determined to help Greece and Turkey by relocating 160,000 migrants to other member states over the course of two years.⁷⁰ Yet by the end of those two years, less than 30,000 had been resettled.⁷¹ The EU was simply not united behind this cause. The migration crisis was creating more disunity, and therefore because they were not working together, they were unable to achieve any successful solutions to help the migrants. Their stock as a leader in humanitarian values was plummeting. It appeared to the EU that they were unable both help migrants and stay unified. Pressuring member states to help the migrants was not politically viable for the EU. Therefore, the EU decided not to seek an internal solution. In result, the EU maintained its border policies while it desperately tried to salvage the

⁶⁹ "Over 3,770 Migrants Have Died Trying to Cross the Mediterranean to Europe in 2015," Missing Migrants: Tracking Deaths Along Migratory Routes, accessed March 9, 2020, <https://missingmigrants.iom.int/over-3770-migrants-have-died-trying-cross-mediterranean-europe-2015>.

⁷⁰ Betts and Collier, *Refuge: Rethinking Refugee Policy in a Changing World*, 87.

⁷¹ Meely Cooper, "EU Countries have Fulfilled Less Than 1/3 of Asylum Resettlement Pledges," Help Refugees, September 28, 2017, <https://helprefugees.org/news/eu-resettlement-greece-italy/>.

Schengen Area. It found a new solution outside of its borders, which they hoped could appease the member states. Their new approach was more about maintaining the European identity and its legitimacy than anything else.

The EU's solution was to outsource migration. By June 2016, the EU published their new approach that established a new partnership framework with third countries with "the ultimate aim [to] act in a coordinated manner putting together instruments, tools and leverage to reach comprehensive partnerships (compacts) with third countries to better manage migration in full respect of our humanitarian and human rights obligations."⁷² The document outlines three goals of the approach: safeguard human life in the Mediterranean, increase the rate of return, and decrease migration to the EU by encouraging refugees to stay local rather than take perilous journeys. Additionally, to ensure refugees and migrants stay local, the EU set out on an ambitious goal to address the root causes of migration by allocating a potential EUR 62 billion. Essentially the EU decided it was going to solve its migration issues with money. The EU claimed it could create mutual gains for host nation citizens and third countries through development and incentivize refugees to be integrated into these societies. The EU wanted to operationalize the ideals and theories found in the GCM and GCR. By June 2016, the EU had already created a major deal with Turkey, and was in process of major deals with Jordan and Lebanon, while 16 other deals in other African and Asian nations were being discussed.⁷³ Outsourcing through the EU's pocketbook became the solution to their identity problems and provided a way for them to appear to be living by their humanitarian principles and keep the EU from disintegrating due to the public and political backlashes of migration.

In conclusion, this chapter illustrated that the EU's solution to their migration crisis in 2015 was driven by a desire to maintain European identity and legitimacy. The crisis ultimately began because the Dublin Regulation failed to control the flow of people into

⁷² "Communication from the Commission on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration" Council of the European Union (Brussels: 9 June 16) accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10014-2016-INIT/en/pdf>, 7.

⁷³ Council of the European Union, "Communication from the Commission on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration," 9.

the EU when regional instability broke out after the Arab Spring. The lack of enforcement of the Schengen Area enabled mass migration across the EU. The symbolic policy of unity in the Schengen agreement was replaced by walls that symbolized the fragmentation of the EU and the reemergence of the identity of sovereignty. Due to questions of legitimacy from within and among international observers of their handling of the humanitarian crisis in the Mediterranean, the EU created a policy of self-preservation. It outsourced migration control to other countries as an attempt to reinforce their humanitarian identity by encouraging migrants not to make the dangerous trip across the Mediterranean. The EU incentivized governments and the locals to remain in place. The reduction in the flow of refugees through partner countries could have brought legitimacy to the EU as a supra-national entity that has stemmed migration. However, this policy essentially reinforced the demands of the far-right populists and further separated the global north and south. It remains to be seen if these policies will be able to preserve the legitimacy of the EU and its identities within member states and within the international community. The comprehensive partnerships on migration that were made with Afghanistan and Jordan will be now be analyzed to understand whether the EU was able to achieve its objectives to execute the ideals and theories of the GCM and GCR, while seeking first and foremost to maintain its identities.

III. THE EU-JORDAN COMPACT FOR THE SYRIAN REFUGEES

By 2016, life was getting difficult in Jordan. The impacts of the Syrian refugee crisis in Jordan were taking its toll on a nation that already had a significant amount of economic and domestic challenges. Jordan's weak economy was deeply affected by the instability the Arab Spring brought to the region and the impacts of the wars in Syria and Iraq. Hundreds of thousands of refugees coming from Syria added further detriment to Jordan's economy, schools, infrastructure, public works, and natural resources. The Jordanian government was unable to properly manage these impacts or afford to pay for them. All parties to include citizens and Syrian refugees were suffering due to the situation in Jordan.

This was the environment in which the new refugee regime's ideas concerning the global compact took root. In 2016, Jordan was asked to play a major role in executing these new ideas and essentially lead the pilot program for the world. Could politicians, world leaders, academics, and business leaders, and multi-lateral organizations come together and prove that there was a better way of helping refugees and host countries? Some might argue that the Jordan Compact was an attempt at a win-win approach, but such terminology is arguably inappropriate given the difficulty of the refugee's plight. A better way of expressing the idea of a win-win is that "deals should be based on the principle of mutual gain," or to ask if livelihoods are improving because of these policies.⁷⁴ Therefore, I argue that the Jordan Compact does produce some mutual gains by empowering refugees with access to part of the formal labor market and benefits Jordan through trade incentives and development growth through the EU's willingness to pay. However, those relative gains among refugees and Jordan are extremely unequal. To support this argument, this chapter presents the situation of Jordan prior to the Jordan Compact to include the impact of refugees on the country, explains the shift toward more ownership by the Jordanian government, and explains the genesis of the Jordan Compact. Lastly this chapter reviews

⁷⁴ Alexander Betts and Paul Collier, *Refuge: Transforming a Broken Refugee System* (London: Penguin Books, 2017), 180.

what exactly is written in the compact and addresses the mixed results that have occurred through the growing pains of implementing the Jordan Compact.

A. JORDAN'S DECLINING SITUATION FOLLOWING THE ARAB SPRING

Jordan has relied on aid from other countries to keep it afloat for decades. Jordan has struggled to develop anything close to an export economy. It has had a deeply negative trade imbalance for decades and by 2011, Jordan exported less than 3 billion dollars of merchandise and imported over 13.2 billion dollars' worth of merchandise.⁷⁵ Jordan was importing four times as much as it was exporting, which created the largest trade deficit the country had ever known. The Arab Spring and the civil war in Syria only worsened Jordan's national challenges after 2011. The Arab Spring led to domestic turmoil in Jordan, where citizens came out in mass protest and one primary motive was the economy. From high poverty, unemployment, and inflation rates, to regressive tax-codes that hurt the poorest, to the war in Iraq removing subsidies for oil and gas that was needed for transportation and heating, the economic condition did not bode well for Jordan.⁷⁶ The Arab Spring also brought on energy issues for the country. Due to multiple attacks on the Arab Gas pipeline in 2011, Egypt stopped the flow of natural gas to Jordan, when previously "Egypt provided Jordan with 250 million cubic feet of natural gas daily since 2004."⁷⁷ This energy crisis crushed Jordan's economy, costing Jordan JD 4.5 billion by the end of 2012, which was equivalent to 20% of Jordan's GDP.⁷⁸ After the Syrian civil war kicked off, Jordan was stuck between war on both sides. Eventually, these wars lowered Jordan's GDP growth rate by 1% in 2013 and caused export routes to Iraq and

⁷⁵ "Positive and Negative Merchandise Trade Balance, WITS Visualization," (Jordan) accessed September 19, 2019, <http://wits.worldbank.org/visualization/positiveandnegativemerchandisetradebalance.html>.

⁷⁶ Sarah A. Tobin, "Jordan's Arab Spring: The Middle Class and Anti-Revolution," *Middle East Policy* 19, no. 1 (2012): 96–109, <https://doi.org/10.1111/j.1475-4967.2012.00526.x>.

⁷⁷ "Egyptian Gas Supply to Jordan Officially Resumed," *Jordan Times*, January 28, 2019, <http://www.jordantimes.com/news/local/egyptian-gas-supply-jordan-officially-resumed>.

⁷⁸ Khalid Wazani, *The Socio-Economic Implications of Syrian Refugees on Jordan* (Konrad Adenauer Stiftung: 2014), <https://www.kas.de/einzeltitel/-/content/the-socio-economic-implications-of-syrian-refugees-on-jordan>.

Syria to close, which in 2014 had accounted for 16% of its export market.⁷⁹ Additionally, these conflicts created a decline in foreign direct investment, tourism, and revenue from exports that further slowed down the rate of growth of Jordan.⁸⁰ Just as the instability of the region was hurting Jordan's struggling economy, hundreds of thousands of Syrian refugees poured into Jordan, making the situation more challenging.

B. THE IMPACT OF SYRIAN REFUGEES UP TO 2016

By the start of 2016, there were over 635,324 Syrian refugees in Jordan, with 115,671 living inside camps, and 519,653 living outside them.⁸¹ This translates into 82% of refugees living among Jordanian citizens. It is important to note that there were some 750,000 Syrians in Jordan prior to the Syrian civil war, already living and working in Jordan.⁸² Jordan often uses figures of well over a million in regards to Syrians they are caring for, but the number of refugees is below 675,000.⁸³ Despite the number games, Jordan has taken in a significant amount, approximately 11% of the overall Syrian refugee crisis. Only Turkey and Lebanon took more Syrians.⁸⁴ The total impact of Syrian refugees on Jordan was significant. Jordan reported in 2016 that the cost of "direct and indirect expenses" due to hosting Syrian refugees was USD 6.6 billion.⁸⁵ Although these numbers

⁷⁹ Bassem Neme, "Jordan's Burden," Carnegie Middle East Center, March 21, 2017, <https://carnegie-mec.org/diwan/68330>.

⁸⁰ "Commission Staff Working Document Ex-Ante Evaluation Statement Accompanying the Document Proposal for a Decision of The European Parliament and of The Council Providing Further Macro-Financial Assistance to the Hashemite Kingdom of Jordan," Council of the European Union (Brussels: 30 June 2016), <https://data.consilium.europa.eu/doc/document/ST-10059-2016-ADD-1/en/pdf>.

⁸¹ "Graph-Refugees from Syria by Date," Situation Syria Regional Refugee Response, accessed September 20, 2019, <https://data2.unhcr.org/en/situations/syria/location/36>.

⁸² Jordan Response Platform, "Jordan Response Plan 2018–2020" accessed September 23, 2019, http://www.jrp.gov.jo/Files/JRP2018_2020.pdf, 14.

⁸³ "Graph-Refugees from Syria by Date," Situation Syria Regional Refugee Response, accessed September 23, 2019, <https://data2.unhcr.org/en/situations/syria/location/36>.

⁸⁴ "Where Refugees from Top 5 Countries of Origin Found asylum, End -2015" UNHCR. Found in Alexander Betts and Paul Collier, *Refuge: Transforming a Broken Refugee System* (London: Penguin Books, 2017).

⁸⁵ Council of the European Union, "Commission Staff Working Document Ex-Ante Evaluation Statement Accompanying the Document Proposal for a Decision of The European Parliament and of The Council Providing Further Macro-Financial Assistance to the Hashemite Kingdom of Jordan."

are most likely inflated, the refugees created substantial pressure on society at large in various forms.⁸⁶

In 2014, Khalid Wazani conducted a study concerning the socio-economic implications of refugees on Jordan that provides a good overview of the overall impacts.⁸⁷ He showed that Syrians stressed the waste management system and that Jordan did not have enough garbage trucks, garbage containers, and workers. Wazani shows that sanitation networks were strained and there was a risk of sewage contaminating the water basin that Zataari camp resides on. Additionally, medical centers were crowded, and many lacked proper facilities, equipment, and staff. Geographic expansion led to the need for more roads and lighting for the roads. Wazani adds that water became even more scarce and vulnerable as demand grew at schools, military locations, and residential areas, which was further exacerbated by Syrians who were accustomed to using more water than Jordanians. In terms of education, he explains that 80,000 Syrian children were registered in 2013 leading to issues such as overcrowding, high student to teacher ratios, and less time in school due to schools moving to a double shift schedule, therefore lowering the educational quality. The study showed other negative impacts such as housing costs rising over 100% in some areas due to Syrians sharing housing units and using cash assistance to cover the bill. Lastly, Wazani addressed the impacts on the labor market. He showed that Syrians were competing with Jordanians for jobs, especially because they would accept lower wages in large part because the UNHCR could provide for any needs the refugees may not be able to provide. Indeed, the refugee crisis created a burden on the Jordanian economy, schools, infrastructure, public works, and natural resources. All these problems cost money, which is something Jordan lacked. This chapter focuses on two areas of impact, education and the labor market, to later assess the effects of the compact on Jordan.

⁸⁶ Anne Marie Baylouny, *When Blame Backfires: Syrian Refugees and Citizen Grievances in Jordan and Lebanon* (Cornell University Press (forthcoming), 2020).

⁸⁷ Wazani, *The Socio-Economic Implications of Syrian Refugees on Jordan*.

1. Refugee Impact on Education

Education in Jordan has taken a major hit with the influx of over 100,000 students. Jordan was willing to give all Syrians a free education and by the end of 2015 it was estimated that there were approximately 125,000 students enrolled in school both in and outside of the camps.⁸⁸ Overcrowding is a major issue that has caused schools to adopt the double shift approach, where some children go to school in the morning and other children go to the school in the afternoon. This approach allows for more children to be taught, but the cost is more burdensome to teachers and gives less time for children in the classroom, which results in lower quality teaching and education.⁸⁹ In the *2016 Jordan Response Plan* (JRP), determined that 300 new schools and 8,600 new teachers would be needed to reach national standards of 17 students per teacher, 27 students per class, and 19 classes per school.⁹⁰ In terms of refugee children not going to school, the phrase ‘lost generation’ is often used to convey what occurs when an entire generation does not get educated. Yet the impact is significant for the host nation as their education is extremely constrained and pushed to its operational limits. Jordanian youth are not be part of a lost generation, but their generation was at risk of suffering from lower quality teaching and learning. In this era of globalization, human capital in higher levels of education is one of the main drivers to improve inequality and provide opportunities to bring countries like Jordan out of global economic obscurity. A decrease in quality of education was a major impact of the surge of refugees, and one that was going to have lasting consequences on Jordan society.

2. Refugee Impact on the Labor Market

Labor market effects of the Syrians are contested by various studies, but regardless the perceptions of Jordanians can be negative. A study in 2016 by Belal Fallah, Caroline Krafft, and Jackline Wahba focused on the impacts of refugees in Jordan and showed that

⁸⁸ *Socio-Economic Impact of Syrian Refugees on Jordan: Turning Challenges into Opportunities*, Jordan Independent Economy Watch, August 2015, <https://jordankmportal.com/resources/the-socio-economic-impact-of-syrian-refugees-turning-challenges-into-opportunities>, 11.

⁸⁹ Jordan Independent Economy Watch, *Socio-Economic Impact of Syrian Refugees on Jordan: Turning Challenges into Opportunities*, 11.

⁹⁰ Jordan Response Platform, “Jordan Response Plan 2016–2018,” accessed September 23, 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/JRP16_18_Document-final%2Bdraft.pdf, 17.

there was minimal impact in regards to wages and employment rates, and Jordanians who lived in highly concentrated areas with refugees had the same labor market outcome as those who lived around less refugees.⁹¹ However this thinking has not pervaded public opinion. Another study by the International Labor Organization (ILO) and Fafo concluded that due to the influx of refugees unemployment has risen, Syrians have crowded out Jordanians in lower skill jobs in the informal sector, crowded out some Jordanians in the formal market, and caused a decline in work environment due to Syrians being willing to work for less and in worse conditions.⁹² The Jordanian Department of Statistics validates some of the claims of crowding out of the formal market by showing that from 2011–2013, Syrians gained a five percent increase in new jobs, and Jordanians had a seven percent decrease in new jobs over that time.⁹³ Another major viewpoint is that Syrians have had less competition with Jordanians and more with Egyptians who make up most of the informal labor market in Jordan.⁹⁴ Although the exact impacts of refugees on the labor market have are debated, the unfortunate thing for host countries is that perception appears to be most important.

Perception regarding benefits to refugees that exclude citizens or negatively impact citizens is an issue that comes with almost every refugee situation. Jordan reported to the European Council that Jordanians were “blaming them [Syrian refugees] for loss of job opportunities and overstretched resources, such as water, energy, education facilities and health care services.”⁹⁵ In April 2013, Wazani also cited a study by University of Jordan’s

⁹¹ Belal Fallah, Caroline Krafft, and Jackline Wahba, “The Impact of Refugees on Employment and Wages in Jordan,” *Journal of Development Economics* 139 (June 2019): 203–16, <https://doi.org/10.1016/j.jdevco.2019.03.009>, 27.

⁹² Svein Stave and Solveig Hillesund, *The Impact of Syrian Refugees on the Jordanian Labour Market* (Jordan: International Labour Office, Fafo Institute for Applied International Studies, 2015), https://www.ilo.org/beirut/publications/WCMS_364162/lang-en/index.htm, 7.

⁹³ Jordan Independent Economy Watch, *Socio-Economic Impact of Syrian Refugees on Jordan: Turning Challenges into Opportunities*, 18.

⁹⁴ Katharina Lenner and Lewis Turner, “Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan,” *Middle East Critique* 28, no. 1 (January 2, 2019): 65–95, <https://doi.org/10.1080/19436149.2018.1462601>.

⁹⁵ “Eleventh meeting of the EU-Jordan Association Council,” Association Between the European Union and Jordan (Brussels: 9 October 2014) accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-14134-2014-INIT/en/pdf>, 9.

Center for Strategic Studies, that 87% of the study's population believed that Syrians should not have been able to live outside of camps and 92% believed Syrians negatively impacted Jordanians ability to get jobs.⁹⁶ Perception of refugees having a better existence than citizens was the reality in some cases. In Mafraq governate, where Zaatari refugee camp is located, there were some Syrians who donated or sold food at discounted rates to poor Jordanians because the refugees were living better than they were.⁹⁷ It is often the most poor that are at the greatest risk to be at competition with refugees and have a feeling that they are being excluded or ignored by their state. Due to this reason Jordan developed specific policies that did not allow refugees to work in the formal sector or allow those in the camps to leave the camps to work in the informal sector, which are all done to appease the Transjordanian community, which is the King's political base.⁹⁸ Jordan was willing to take in the Syrian refugees, but not willing to give them the freedom which could lead to more protests and possibly destabilize its country.

C. THE LIVELIHOOD OF SYRIAN REFUGEES IN JORDAN UP TO 2016

Understanding the livelihood of refugees in Jordan up to 2016 is important in order to delineate the effects of the Jordan Compact. Karen Jacobsen wrote extensively on displaced livelihoods and how it related to social exclusion, which may help one understand the plight of livelihood for Syrian refugees.⁹⁹ She explains that displaced livelihood is the ability of refugees to gain a living coming from a "position of loss," confronting the policies of the host country, and having the services and programs of humanitarian assistance.¹⁰⁰ She argues that one must be able to access their livelihood assets, or material and human capital, such as work experience, skills, or education. She

⁹⁶ Wazani, *The Socio-Economic Implications of Syrian Refugees on Jordan*, 81.

⁹⁷ "A Tale of Two Za'ataris," *The New Humanitarian*, July 26, 2013, <http://www.thenewhumanitarian.org/feature/2013/07/26/tale-two-za-ataris>.

⁹⁸ Lewis Turner, "Explaining the (Non-)Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan," *Mediterranean Politics* 20, no. 3 (2015), <https://doi.org/10.1080/13629395.2015.1078125>, 21.

⁹⁹ Karen Jacobsen, *Livelihoods and Forced Migration* (Oxford University Press, 2014), <http://oxfordhandbooks.com/view/10.1093/oxfordhb/9780199652433.001.0001/oxfordhb-9780199652433-e-018>.

¹⁰⁰ Karen Jacobsen, *Livelihoods and Forced Migration*, 99.

adds that when livelihood assets are constrained or denied, then that person is experiencing social exclusion. She further argues that when refugees come from this position of loss, having lost jobs, land, housing, and property in their home country, they often flee to safety only to be constrained by the policies of host countries. There they do not have access to their human capital in order to seek employment or integration into society. Finally, she explains that this has a disempowering effect on refugees as they try their best to recover in a constrained environment. This was the experience of Syrians in Jordan. Syrians are constrained by the policy that forbids them to work in the formal sector of the economy without a work permit, to which they have had little to no access. As mentioned previously, Syrians can at times benefit by working in the informal sector of the economy, because they are willing to work for lower wages and in any condition. Still, this competitive and unregulated environment can lead to poor work conditions and sub-minimum wages.¹⁰¹

What kind of access to livelihood assets did the Syrians have in Jordan? Amnesty International (AI) has said that those in camps “have access to education, health care, water, food and cash for work programmes, provided by the UN, national and international organizations,” but those outside camps have significant barriers in accessing public services.¹⁰² AI explains in detail some of these barriers such as the requirement for all refugees outside the camp to have a UNHCR Asylum Seekers Certificate and a Ministry of Interior (MoI) service card. Additionally, any Syrian who was in the camp but left without being bailed out by a Jordanian guarantor is not eligible. “In order to obtain the new MoI service card, Syrian refugees must present themselves at their local police station to request their identity documents, which had been confiscated by the Jordanian authorities at the border, confirm their place of residence through providing a stamped lease agreement or ‘residency statement’ from UNHCR and a copy of the landlord’s identity

¹⁰¹ Svein Stave and Solveig Hillesund, *The Impact of Syrian Refugees on the Jordanian Labour Market*, 8–9.

¹⁰² “Living on the Margins: Syrian Refugees Struggle to Access Health Care in Jordan,” Amnesty International, March 23, 2016, accessed September 23, 2019, <https://www.amnestyusa.org/reports/living-on-the-margins-syrian-refugees-struggle-to-access-health-care-in-jordan/>.

document.”¹⁰³ AI explains how “slow, cumbersome and costly” it can be to get all the documents needed to have access, and lacking the proper documents a refugee could face being moved to a camp or deported.¹⁰⁴ AI also claims that before 2014, those with MoI cards received free health care, but in 2014, Jordan changed its policy to require Syrians to pay the uninsured rate. These policies were obstacles to access and protection.

Although access to public services was difficult, maybe the biggest constraint was the lack of access to the formal sector of the economy. Syrians had no access to the public sector which employs 42% of Jordanians, unless they had a work permit.¹⁰⁵ The ILO lays out the steps it takes to get a work permit.¹⁰⁶ The ILO reports if a person is a resident of a camp or came into Jordan illegally then that individual does not qualify, and all Syrians cannot work in a job sector that competes with Jordanians. Those sectors in which Syrians were excluded are as follows:

Medical professions

Engineering professions

Administrative and accounting professions

Clerical work including typing and secretarial work

Switchboards, telephones and connections works

Warehouses works

Sales works, including all groups

Haircutting works (coiffeur)

¹⁰³ Amnesty International, “Living on the Margins: Syrian Refugees Struggle to Access Health Care in Jordan,” 5.

¹⁰⁴ Amnesty International, “Living on the Margins: Syrian Refugees Struggle to Access Health Care in Jordan,” 5.

¹⁰⁵ Caroline Krafft et al., “Syrian Refugees in Jordan: Demographics, Livelihoods, Education, and Health,” (Economic Research Forum working paper, April 2018), accessed 23 Sep 2019, <http://erf.org.eg/publications/syrian-refugees-in-jordan-demographics-livelihoods-education-and-health/>, 18.

¹⁰⁶ “Work Permits for Syrian Refugees,” International Labour Organization (Amman: 2015) accessed September 23, 2019, https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_422478.pdf, 4.

Decoration works

Teaching professions, including all specialties except for the rare ones when there is no Jordanian available

Fuel selling in main cities

Electricity professions

Mechanical and car repair professions

Drivers

Guards and servants

Buildings servants¹⁰⁷

The ILO clarifies that in order to apply for a work permit one must have the following documents:

Application form

Two copies of the work contract

Valid vocational license of the establishment

A copy of a valid passport for the worker

Proof from the Social Security Corporation of workers' subscription

Ministry of Interior's identity card¹⁰⁸

The ILO also states that although Jordanian law says employers should pay an employee's permit fee, most often the worker is responsible, and the cost can be as high as USD 200–USD 1000. Additionally, the ILO shows that if it is the first time someone is applying, their name goes before a committee at the Labor Ministry for approval. The amount of constraints placed on a Syrian in order to work deeply hinders anyone from being able to successfully get a permit. It is no surprise then that prior to 2016 there were

¹⁰⁷ International Labour Organization, "Work Permits for Syrian Refugees," 4.

¹⁰⁸ International Labour Organization: "Work Permits for Syrian Refugees," 4.

less than 5,000 permits issued to Syrians.¹⁰⁹ Overall the formal labor market with its protections and opportunities were largely closed to the Syrian refugee population before 2016.

Education was a crucial part of the Compacts and the focus of much attention by international organizations. Jordan assessed that almost 100,000 Syrian children were not going to school because of costly transportation and school materials, and the need for their children to work.¹¹⁰ As a result, Syrians worry about their children becoming the lost generation. While they have technical access to education, economic constraints often hinder them from taking advantage of this access. In 2016, Syrian refugees' human capital was being excluded due to the policies of the host country, and the children were not building their human capital. These situations did not make the Syrian's future look bright.

D. INTERNATIONAL SUPPORT UP TO 2016

The Syrian refugees and Jordan both needed help. There was international support, but not enough. How do you get money when you have refugees? Jordan is no stranger to the game of playing the international community for aid. During the immigration of Iraqi refugees, Jordan was unable to use the Iraqi refugee presence effectively to generate international assistance since there were no visible camps, and therefore a major reason Jordan continues to build camps is to ensure financial support from the international community.¹¹¹ Jordan does its best to try to ring the bell as often and as loud as possible to claim that the international community is not doing their part, and reiterate the negative impacts that Jordan is taking on. The first three major pledging conferences for the Syrian conflict were held in Kuwait. The pledging conferences in 2013 promised USD 1.5 billion in funding, 2014 increased to USD 2.4 billion, and 2015 increased again to USD 3.8 billion. However, in 2013 only USD 1.09 billion was received and in 2014 just USD 1.3 billion

¹⁰⁹ Alisa Reznick, "Syrian Worker Programme Faces Hurdles in Jordan," Al Jazeera, 23 September 2016, accessed September 4, 2019, <https://www.aljazeera.com/news/2016/09/syrian-worker-programme-faces-hurdles-jordan-160919073944811.html>.

¹¹⁰ Jordan Response Platform, "Jordan Response Plan 2016–2018," 15.

¹¹¹ Nicholas Seely, "The Politics of Aid to Iraqi Refugees in Jordan," Middle East Research and Information Project, Fall 2010, <https://merip.org/2010/09/the-politics-of-aid-to-iraqi-refugees-in-jordan/>.

was actually received from pledges.¹¹² False promises were what a good portion of the pledges meant, and it is also important to note that these funds did not just go to Jordan but to Syrians themselves and regional actors who were affected like Jordan. Jordan needed this international support to fund its response plans. The international assistance was not enough therefore to meet the needs of the *2013 JRP*, for it would have taken USD 1.3 billion to execute the entire plan, but only USD 1.09 billion was donated to the entire region by the international community.¹¹³ Prior to 2016 the Jordan response plans were only ever funded to 33%.¹¹⁴ Jordan was in a precarious position and needed to find a way to turn their situation around. Jordan was not negotiating from a position of power and leverage. Yet if for some reason, there came a situation in which Jordan had leverage, what would it want?

E. THE GOVERNMENT OF JORDAN'S PRIORITIES

On 9 November 2014, Jordanian officials met in Brussels for the 11th meeting of the EU-Jordan Association council.¹¹⁵ Mr. Nasser Judeh, the minister of foreign affairs, represented Jordan at the meeting. Mr. Nasser announced a 10-year economic and social framework for the country, which is called *Jordan 2025 A National Vision and Strategy* (Jordan 2025), that focused on “deliverable and realistic objectives, consist of action plans and ... built around five topics: human resource development; economic development; social development; decentralisation and governance development; rule of law, justice and legislation.”¹¹⁶ Jordan wanted development. Nasser addressed the impacts of the Syrian refugees and public discontent, and then “emphasized that Jordan would not slow down its

¹¹² Diana Al Rifai, “Donors Pledge \$3.8bn at Syria Crisis Meeting in Kuwait,” Al Jazeera, March 31 2015, accessed September 21, 2019, <https://www.aljazeera.com/news/2015/03/donors-pledge-38bn-syria-crisis-meeting-kuwait-150331075051202.html>.

¹¹³ “2013 Syria Regional Response Plan Update 5 – Jordan,” UNHCR, 2013, accessed September 21, 2019, <https://www.unhcr.org/partners/donors/51b0a6469/syria-regional-response-plan-update-5-jordan.html>.

¹¹⁴ Jordan Response Platform, “Jordan Response Plan 2017–2019” accessed September 23, 2019, <http://www.jrp.gov.jo/Files/JRP2017-2019.pdf>, V.

¹¹⁵ Association Between the European Union and Jordan, “Eleventh Meeting of the EU-Jordan Association Council.”

¹¹⁶ Association Between the European Union and Jordan, “Eleventh Meeting of the EU-Jordan Association Council,” 6.

reform process regardless of what would happen in the region.”¹¹⁷ He clearly articulated that Jordan’s priority is first and foremost reform or development, over the needs of the refugees. The EU wanted to further their mobility partnership with Jordan that “manage [s] migration in an orderly manner, facilitating legal migration and fighting irregular migration in accordance with international standards.”¹¹⁸ As part of the meeting, Jordan provided a statement to the EU that said in the context of the EU being Jordan’s biggest partner in trade and the fact that Jordan has a significant trade imbalance with the EU, Jordan wanted to push for an agreement that would simplify the rules of origin stipulations on trade. Jordan’s desire for development and better trade relations with the EU and the EU’s desire for a mobility partnership to control immigration foreshadowed the Jordan Compact that would be approved by the EU two years after that.

F. JORDAN TAKES OWNERSHIP OF THE REFUGEE CRISIS

The documents and content of the Jordan response plans show a shift toward taking the lead role of the response away from the UNHCR, in order to pursue Jordan’s goals. The *2013 JRP* appears to have been led by the UNHCR.¹¹⁹ The majority of the plan is focused on Syrian refugees’ protection and support and less on Jordan’s resilience. There are no Jordanian government flags or symbols on the document, but only a single UN symbol. In 2014, there is more of an effort to focus on resilience, but the document itself only has a UN symbol on it and the plan is called The Syria Regional Response Plan which implies that it is not Jordan’s plan.¹²⁰ In 2015, there was a major shift in how Jordan approached their response. They took charge. The top of the cover of the document has the Jordanian government crest, the title is “Jordan Response Plan” and at the bottom of the

¹¹⁷ Association Between the European Union and Jordan, “Eleventh Meeting of the EU-Jordan Association Council,” 9.

¹¹⁸ Association Between the European Union and Jordan, “Eleventh Meeting of the EU-Jordan Association Council,” 20.

¹¹⁹ UNHCR, “Jordan Response Plan: 2013” accessed September 23, 2019, <https://www.unhcr.org/51b0a6469.html>.

¹²⁰ UNHCR, “2014 Syria Regional Response Plan: Jordan,” accessed September 23, 2019, <https://www.unhcr.org/syriarrp6/docs/syria-rrp6-jordan-response-plan.pdf>.

page there is a little UN symbol next to another Jordan Government symbol.¹²¹ Jordan took over as the primary leader of the response in Jordan and enhanced their ability to pursue their national interests. Increased involvement of international organizations in a country can limit one's decision-making, but Jordan took back the reins from the UNHCR. They increased in their ability to control the affairs of this crisis happening within their own borders. The 2015 JRP reflects this new approach. A few excerpts from the first page of the document highlight the shift of the Jordanian government. Under the subheading, "A Nationally Owned and Led Plan" the JRP says: "The Jordan Response Plan 2015 seeks to bridge the divide between resilience and humanitarian systems....adopts a resilience-based approach to respond to and mitigate the effects of the Syria crisis on Jordan and Jordanian host communities."¹²² It additionally says:

The JRP 2015 embeds the refugee response into national development plans, helping to implement sustainable service delivery systems that meet the needs of both refugees and vulnerable host communities. This approach will help to ensure that, in line with the principles of national ownership, alignment, and harmonisation adopted in the Paris Declaration, the response is led by the government¹²³

This JRP makes clear that Jordan's refugee response would be on their terms. An interesting and simple test to further showcase the change in priorities is by doing a simple search within the first three JRPs for the word *livelihood* which indicates a focus on Syrian refugees and for the word *resilience* which indicates host country priorities. In 2013, there were 13 instances of livelihood and only 1 instance of resilience.¹²⁴ In 2014, it was 39 and 45, respectively.¹²⁵ In 2015, livelihood was mentioned 65 times and resilience 223 times.¹²⁶ Resilience was mentioned once in 2013 and 223 times in 2015, which reinforces

¹²¹ Jordan Response Platform, "Jordan Response Plan 2015 For the Syria Crisis" accessed September 23, 2019, <https://www.undp.org/content/dam/jordan/docs/Publications/JRP+Final+Draft+2014.12.17.pdf>.

¹²² Jordan Response Platform, "Jordan Response Plan 2015 For the Syria Crisis," 6.

¹²³ Jordan Response Platform, "Jordan Response Plan 2015 For the Syria Crisis," 6.

¹²⁴ UNHCR, "Jordan Response Plan: 2013."

¹²⁵ UNHCR, "2014 Syria Regional Response Plan: Jordan."

¹²⁶ Jordan Response Platform, "Jordan Response Plan 2015 For the Syria Crisis."

the idea that Jordan had shifted to a Jordan-led “resilience-based approach.”¹²⁷ *JRP 2015* established 11 sectors for which it would allocate resources to both Syrian livelihood and Jordanian resiliency efforts.¹²⁸ In early 2015, Jordan furthered their ability to control and direct all efforts from the international community by developing the Jordan Information Management System for the Syria Crisis (JORISS).

JORISS is a “government owned online project submission, approval, tracking, and monitoring & reporting system for the JRP,” that ensures proper coordination, monitoring, accountability, and transparency of all projects and funding.¹²⁹ It is a simple idea, but effective at keeping Jordan in control and always in the lead. *JRP 2016* outlines how it works.¹³⁰ It says, any agencies or other international organization can upload any project into JORISS for approval by the government. If all established standards are met to include meeting JRP output standards, then the project will be approved. In addition to projects flowing through the government so does all the funding. All monitoring of projects and tracking of money can be observed on JORISS. Jordan has managed to find a way to create a system that flows projects and money through their government to achieve the developmental goals of the state. As mentioned previously, the *2015 JRP* was only funded at 33%, but now Jordan had the framework to achieve serious gains if somehow they could negotiate from a position of advantage and get the attention of pocketbooks of the global north. Jordan was ready for the political opportunity that knocked on their door in 2015.

G. NEW IDEAS AND POLITICAL OPPORTUNITY

The opportunity came from some fresh new ideas from academics outside Jordan. In 2015 Jordan was trying to figure out how to get support and dollars into their robust JRP to produce their developmental goals outlined in the Jordan 2025. In 2015, a Jordan thinktank, WANA, invited Alexander Betts, a political scientist with an expertise in

¹²⁷ Jordan Response Platform, “Jordan Response Plan 2015 For the Syria Crisis,” 6.

¹²⁸ Jordan Response Platform, “Jordan Response Plan 2015 For the Syria Crisis.”

¹²⁹ Jordan Response Platform, “Jordan Response Plan 2016–2018,” 24.

¹³⁰ Jordan Response Platform, “Jordan Response Plan 2016–2018.”

refugees, and Paul Collier, an economist, to help work on this project.¹³¹ Betts and Collier visited the King Hussein bin Talal Development Area, on which the government spent over GBP 100 million, and saw that it was only at 10% capacity, and they thought maybe the on-hand resource of thousands of refugees could be put to work.¹³² In the end, they presented an idea that would fall in line with Jordan's new approach toward their refugee situation. They pitched the idea that Syrians could be drivers of economic development by using them for work in special economic zones that could attract foreign business.¹³³ This would benefit Jordanians by helping them achieve developmental goals and the Syrian refugees by helping them improve their livelihood and help the refugees "incubate their post-conflict recovery in Syria."¹³⁴ The EU believed there could be support for Jordan within the international community to provide better trade deals within established Special Economic Zones (SEZs) and that there would be business and corporate social responsibility incentives for multinational corporations to move and operate out of Jordan.¹³⁵ They saw this as a way for Jordan to reach their goal of being able to transition to a manufacturing economy so that they might be more competitive globally.¹³⁶ Lastly their proposal sought to help solve the Syrian reconstruction problem before the war was over, by increasing the autonomy and livelihood of Syrians in Jordan, so that after the war they could move businesses and skills back to Syria.¹³⁷ This proposal that came about in early 2015—that could save Jordanians and Syrians from many of their troubles and help Jordan reach many of its development goals—was just an idea without any power behind it. What they needed was an alliance or partnership. They needed a great power if anything was going to happen. Think of the Ottoman Empire: when they were almost destined for ruin before World War I, the only hope for the empire was to align with a great power. The

¹³¹ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, xi.

¹³² Betts and Collier, *Refuge: Transforming a Broken Refugee System*, xii.

¹³³ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, xii.

¹³⁴ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 172.

¹³⁵ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 172.

¹³⁶ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 172.

¹³⁷ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 173.

Ottoman Empire's fate was determined by their alliance with the Central Powers, and until that great power's defeat, they had the hope of a long-lasting life for their empire. Jordan found such a life-saving great power partnership in the EU.

Just as the July Crisis was the impetus for the Central Powers to align with the Ottoman Empire, the refugee crisis of 2015 was the impetus for the EU to join with Jordan in a mutual benefiting partnership. Europe needed a way to stop migration flows into Europe and Jordan needed someone to promote their JRPs. The proposal by Betts and Collier would be the key to bringing such a partnership together. In September 2015, when David Cameron, the prime minister of Great Britain, came to Jordan, King Abdullah suggested Betts' and Collier's proposal to him, and then Cameron took the idea to the World Bank and the EU.¹³⁸ The question is why would Cameron really care about Jordan as a way to solve the EU's refugee crisis? The answer is that there was a fear that refugees in Jordan "might head en masse for Europe."¹³⁹ Somehow Jordan became vital to Europe's relief from their refugee crisis. Even though Jordan does not border Europe, Jordan was able to identify itself as a buffer state like Turkey.¹⁴⁰ Cameron furthered argued that in order to stop the flow of refugees into Europe, a policy could be undertaken to stabilize and further develop countries that are close to Syria as an incentive for them to stay in the region.¹⁴¹ Collier argued that it was immoral to keep tempting refugees to come to Europe with so much risk and danger associated with it, but rather he argued to "stop the policy of temptation" by developing job havens in the region for Syrian refugees through European

¹³⁸ Betts and Collier, *Refuge: Transforming a Broken Refugee System*, 174.

¹³⁹ Daniel Howden, Hannah Patchett, and Charlotte Alfred, "The Compact Experiment: Push for Refugee Jobs Confronts Reality of Jordan and Lebanon," *Refugees Deeply Quarterly*, December 13, 2017, <http://issues.newsdeeply.com/the-compact-experiment>.

¹⁴⁰ Rawan Arar, "Leveraging Sovereignty: Jordan and the Syrian Refugee Crisis," Project on Middle East Political Science Refugees and Migration Movements in the Middle East, March 2017, accessed September 23, 2019, https://pomeps.org/wp-content/uploads/2017/03/POMEPS_Studies_25_Refugees_Web.pdf#page=13, 14.

¹⁴¹ Camino Mortera-Martinez, Ian Bond, Simon Tilford, "Europe's Refugee Crisis: Chronicle of a Death Foretold" Center For European Reform, 08 September 2019, accessed September 23, 2019, <https://www.cer.eu/insights/europe%E2%80%99s-refugee-crisis-chronicle-death-foretold>.

incentives.¹⁴² In the end the deal proposed by Betts and Collier theoretically became a three-way beneficial deal, with incentives for both Jordan and Syrian refugees, and the EU limiting the flow of refugees into their nations. This idea, sparked in March 2015, became a reality less than a year later at the 2016 pledging conference for Syria Refugees on 4 February 2016, when Jordan made a deal with the EU that would later be called the Jordan Compact. With this partnership Jordan knew these new pledges for coming years, which totaled over 12 billion dollars, 70% of which came from the EU, were going to allow it to really start achieving its goals.¹⁴³ One Jordanian official called 2016 Jordan's "golden year."¹⁴⁴ They were now in a position of advantage to seek their own goals.

Betts' and Collier's ideas turned into the *EU Jordan Partnership Priorities* and its annex the *EU-Jordan Compact* or simply the Jordan Compact. Although the ideas of the Jordan Compact were agreed to in February 2016 and some aspects implemented immediately, the compact was not fully designed or approved by the EU until December 2016. It will be important to review in depth how these ideas were transformed into a new EU- Jordanian partnership and EU-Jordan Compact. Overall the document outlines a new all-encompassing relationship between the EU and Jordan with three main priorities: increasing security and stability of the region, improving social and economic development in Jordan, and fostering democracy, human rights, and the rule of law.¹⁴⁵ Yet the document provides context for the whole reason for this new relationship in its first section:

¹⁴² Paul Collier, "If You Really Want to Help Refugees, Look Beyond the Mediterranean," *The Spectator*, August 8, 2015, <https://www.spectator.co.uk/2015/08/if-you-really-want-to-help-refugees-look-beyond-the-mediterranean/>.

¹⁴³ "Communication from the Commission on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration" Council of the European Union (Brussels: 9 June 16) accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10014-2016-INIT/en/pdf>, 4.

¹⁴⁴ Arar, "Leveraging Sovereignty," 14.

¹⁴⁵ "Annex to The Joint Proposal For a Council Decision On The Union Position Within The Association Council Set Up By The Euro-Mediterranean Agreement Establishing An Association Between The European Communities And Their Member States, Of The One Part, And The Hashemite Kingdom Of Jordan, Of The Other Part, With Regard To The Adoption Of EU Jordan Partnership Priorities And Annexed Compact," (hereafter "Adoption of EU Jordan Partnership Priorities and Annexed Compact") Council of the European Union (Brussels: 20 September 2016), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-12384-2016-ADD-1/en/pdf>.

The Partnership Priorities ... build on the momentum created by the London Conference of 4th February 2016...aimed at sustaining Jordan's development gains against a background of continued humanitarian assistance and adequate host community support. The EU and Jordan aim to turn the challenges posed by the Syria crisis into concrete opportunities to the benefit of the population of Jordan, the Syrian refugees, and the EU. However, specific measures taken in support of Syrian refugees will not be at the detriment of other people residing and seeking protection in Jordan.¹⁴⁶

The compact clearly outlined that this relationship is intended to generate three-way mutual gains between the government of Jordan, Syrian refugees, and the EU, but additionally that in the process Jordanian citizens will not be hurt. Protecting Jordanians was a key point the government of Jordan ensured was understood. King Abdullah did not want this deal to backfire on him with more protest and public discontent, and therefore he assured his people on the onset of the deal that for every job given to the Syrians, five jobs would be created for Jordanians.¹⁴⁷

H. THE EU-JORDAN COMPACT

The Jordan Compact lays out the specifics of the agreement. The compact claims that it is a “holistic approach for dealing with the Syrian refugee crisis” that supports *the Jordan Response Plan 2016–2018* and *Jordan 2025* and improves Jordan's resilience and Syrian refugee's “access to livelihoods opportunities.”¹⁴⁸ In order to provide such livelihood opportunities, Jordan agreed to allow Syrians to “obtain work permits, set up small businesses, and engage in trade.”¹⁴⁹ The compact lays out the effort to create jobs for both Jordanians and Syrians through simplifying the EU's rules of origin (ROO) requirements for ten years in 18 SEZs under the condition that in the first two years 15%

¹⁴⁶ Council on the European Union, “Adoption of EU Jordan Partnership Priorities and annexed Compact,” 5.

¹⁴⁷ “Jordan Struggles Under a Wave of Syrian Refugees,” *New York Times*, accessed September 23, 2019, <https://www.nytimes.com/2016/02/14/world/middleeast/jordan-syria-refugees.html>.

¹⁴⁸ Council on the European Union, “Adoption of EU Jordan Partnership Priorities and Annexed Compact,” 12.

¹⁴⁹ Council on the European Union, “Adoption of EU Jordan Partnership Priorities and Annexed Compact,” 12.

of the jobs would go to Syrian refugees and 25% the years following. The overall objective that was agreed to was to have 200,000 work permits or jobs for Syrian refugees. The benchmarks agreed were that by the end of 2016 Syrians would have 50,000 jobs, by the end of 2017, 75,000 jobs, and by the end of 2018, 100,000 jobs with the caveat, “provided there is sufficient demand for working permits.”¹⁵⁰ The compact assumed there would be massive growth in this trade sector. Additionally, the EU promised massive grants and access to financial resources. The EU ensured that Jordan would have the ability to access “financial resources at concessional terms for large scale investment/ infrastructure projects.”¹⁵¹ Overall EUR 747 million dollars in funding was provided to Jordan to include a EUR 200 million Macro-Financial Assistance operation and EUR 108 million humanitarian assistance.¹⁵² The compact opened the pocketbook of EU for Jordan to pursue its developmental goals.

The compact addresses the impact of refugees on the educational system and EU’s migratory concerns. The EU promised budgetary support in order to build more schools and provide more funding for teachers, books, and operational costs. The EU also committed to extend further funding for higher and technical education, modernization of education institutions, and mobility of students and researchers. Jordan committed to build capacity to have 190,000 Syrians in school during the 2016–2017 school year, while at the same time ensuring the quality of education did not diminish.¹⁵³ In addition to cooperation in natural resource management, security and counter terrorism, and political and human rights reform, the EU ensured it addressed its highest concern which was deterring migration to Europe. They both agreed to “strengthening the capacity of ... Jordanian

¹⁵⁰ Council on the European Union, “Adoption of EU Jordan Partnership Priorities and Annexed Compact,” 24.

¹⁵¹ Council on the European Union, “Adoption of EU Jordan Partnership Priorities and Annexed Compact,” 19.

¹⁵² Council on the European Union, “Adoption of EU Jordan Partnership Priorities and Annexed Compact,” 24.

¹⁵³ Council on the European Union, “Adoption of EU Jordan Partnership Priorities and Annexed Compact,” 21.

authorities to manage borders and prevent irregular migration.”¹⁵⁴ The Jordan Compact addresses the major impacts of Syrian refugees on Jordan and provides a document that encapsulates the ideas of Betts and Collier, and the goals of the Jordanian Government and EU. Essentially the idea that EU pays, Jordan develops, and Syrian’s livelihood improves were the idealistic notions that were encapsulated in the document. It was a revolutionary new approach to tackle a complex and challenging protracted refugee problem, but would it work?

I. JORDAN GAINS THE ABILITY TO FUND DEVELOPMENT

In order to evaluate if the compact was able to produce mutual gains, an evaluation of the impacts on Jordan’s resiliency goals, Jordan’s trade, Syrian livelihoods, and education are addressed. Did Jordan benefit from this compact? More than the citizens, refugees, and even the EU. It will be challenging to ever place a number on how many refugees Jordan deterred from moving to Europe, but due to Jordan closing its border in 2016, Jordan has not received any substantial increase in refugees. Indeed, creating the potential for a higher quality of life in Jordan did not bring an influx of refugees. There is a possibility that the compact deterred people from leaving Jordan, but then again a senior UNHCR official said there never really was any data that supported the notion of a Syrian migration from Jordan to Europe.¹⁵⁵ While it may be hard to determine if the EU significantly benefited from this compact, it is easy to see how Jordan did. The first JRP created within the context of the Jordan Compact was the 2017 JRP, which was 65% funded with approximately USD 1.7 billion dollars.¹⁵⁶ Any country that can drive 65% of its developmental goals for a year from international support is significant for development progress. In 2018, the JRP was funded at approximately 64% for a total of USD 1.5 billion dollars.¹⁵⁷ Over 3 billion dollars have gone toward Jordan’s efforts to develop and to

¹⁵⁴ Council on the European Union, “Adoption of EU Jordan Partnership Priorities and Annexed Compact,” 22.

¹⁵⁵ Howden, Patchett, and Alfred, “The Compact Experiment: Push for Refugee Jobs Confronts Reality of Jordan and Lebanon.”

¹⁵⁶ Jordan Response Platform, “Jordan Response Plan 2018–2020,” iv.

¹⁵⁷ Jordan Response Platform, “JRP 2018 Financial Update,” 30 May 2019, accessed September 23, 2019, [http://www.jrp.gov.jo/Files/JRPFinancialUpdate\(Year2018\).pdf](http://www.jrp.gov.jo/Files/JRPFinancialUpdate(Year2018).pdf).

address this crisis in the first 2 full years since the compact was created, and since June 2019 the EU alone has provided Jordan over EUR 2.1 billion.¹⁵⁸ Jordan is capitalizing off the compact, but this is not how Jordan sees it. They claim that since 2011, the refugee crisis has cost them over USD 11 billion, and any gap in the JRP funding is going to have to come out of the Jordanian government's pocket.¹⁵⁹ Jordan would claim that it is still operating within a major deficit. Yet Jordan Independent Economy Watch has said "that costs estimated by the government ... cannot be attributed to the refugee crisis alone,...the costs involved should ideally be partially attributed to the Syrian refugee crisis, ...[but] Jordan will ultimately have to implement these upgrades and improvements, regardless of the presence of refugees."¹⁶⁰ The reality is that Jordan will always need support from the great powers to keep it afloat until its economy can produce the amount of revenue to support itself and improving its significant trade imbalance. This was one of the major hopes for Jordan that came with the compact as relaxed ROO requirements were implemented in the SEZs.

J. ALL PARTIES GAIN LITTLE FROM THE TRADE INCENTIVE

Overall, the benefits of a better trade deal with the EU, which Jordan sought, have not produced significant results. The relaxed ROO benefit for trade within Jordan to the EU, on the conditional Syrian worker requirements, went into effect in July 2016 and by April 2017, only six companies had been authorized to export through these new rules.¹⁶¹ Of those six companies, only two companies had actually started exporting to the EU, and

¹⁵⁸ "Relations with Jordan – European Union's Position for the Association Council's 13th Meeting (Luxembourg, 17 June 2019)," Council of the European Union (Brussels: 2 July 2019), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10896-2019-INIT/en/pdf>, 3.

¹⁵⁹ Jordan Response Platform, "Jordan Response Plan 2019," accessed September 23, 2019, <http://www.jrp.gov.jo/Files/JRP2019PlanFinal.pdf>, 1.

¹⁶⁰ Jordan Independent Economy Watch, *Socio-Economic Impact of Syrian Refugees on Jordan: Turning Challenges into Opportunities*, 8.

¹⁶¹ "Joint Staff Working Document Report on EU-Jordan Relations in the Framework of the Revised ENP" Council of the European Union (Brussels: 13 June 2017), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10319-2017-INIT/en/pdf>, 6.

had only brought in EUR 1.6 million.¹⁶² Yet by the end of 2017, trade relations were more of the same between EU and Jordan. In 2002, trade exports to Jordan by the EU accounted for EUR 2 billion and increased by 100% by 2017 with EUR 4.1 billion in that year, while Jordan's exports to the EU went from EUR 314 million in 2002 to 358 million in 2017.¹⁶³ Not even a dent had been made in the major trade imbalance. By March 2018, minimal progress had been made and only 11 companies had been approved to participate in the relaxed ROO endeavor.¹⁶⁴ Surprisingly in the midst of this failure Jordan asked for a better deal, and the EU agreed to it in order to try to achieve its aims of having more significant progress with the employment of Syrian refugees. The new deal allowed for the lifting of stringent ROO requirements until 2030 within all Jordanian territory and not just limited to 18 SEZs, but Jordan would have to commit to having 60,000 actively employed Syrians and to waive all cost for applying for a work permit.¹⁶⁵ The EU made their trade deal substantially more beneficial for Jordan, but Jordan has yet to capitalize on this opportunity for economic growth. The EU reported in June 2019 that there are eight companies

¹⁶² "Commission Staff Working Document Background Analysis Per Beneficiary Country Accompanying the Document Report from the Commission to the European Parliament and the Council on the Implementation of Macro-Financial Assistance to Third Countries in 2017," Council of the European Union, (Brussels: 6 July 2018) accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10912-2018-ADD-1/en/pdf>, 9.

¹⁶³ "Commission Staff Working Document Individual Reports and Info Sheets on Implementation of Eu Free Trade Agreements Accompanying the Document Report from the Commission to the European Parliament, The Council, The European Economic And Social Committee and the Committee of the Regions on Implementation of Free Trade Agreements 1 January 2017 – 31 December 2017," Council of the European Union (Brussels: 13 November 2018), accessed 23 September 2019 <https://data.consilium.europa.eu/doc/document/ST-13801-2018-ADD-1-REV-1/en/pdf>, 133.

¹⁶⁴ "Council Decision on the Position to be Taken, on Behalf of the European Union, Within the Association Committee Established by The Euro-Mediterranean Agreement Establishing an Association Between the European Communities and their Member States, of the One Part, and the Hashemite Kingdom Of Jordan, of the Other Part, as regards an Amendment to Protocol 3 to that Agreement Concerning the Definition of the Concept of 'Originating Products' and Methods of Administrative Cooperation," Council of the European Union (Brussels: 27 NOV 2018), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-10147-2018-REV-1/en/pdf>, 8.

¹⁶⁵ Council of the European Union, "Council Decision on the Position to be Taken, on Behalf of the European Union, Within the Association Committee Established by The Euro-Mediterranean Agreement Establishing an Association Between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards an Amendment To Protocol 3 to that Agreement Concerning the Definition of the Concept of 'Originating Products' and Methods of Administrative Cooperation," 10-11.

approved to export, but only two companies are successfully exporting to the EU.¹⁶⁶ The hope of Jordan really does depend on it being able to transform itself into an economy that can at least start to close the gap on its large trade imbalance. The lack of trade growth is directly connected to a lack of job growth for the Syrian refugees, and therefore livelihood improvements have been minimal.

K. MINIMAL GAINS IN REFUGEE LIVELIHOOD OPPORTUNITIES

The revolutionary ideas and massive amounts of money that surrounded this compact assured the world that Syrian livelihoods would increase. Has it increased in some way? It has increased, but only a little. In the beginning, there was some progress in the effort to produce jobs for Syrians and Jordanians through the incentivized trade deal. In 2016 and 2017 over 36 thousand work permits were issued each year and there were 233 Syrian refugees employed in specified SEZs.¹⁶⁷ In 2018, there had been 120,000 work permits issued, but only 42,000 were active.¹⁶⁸ By the end of January 2020, over 179 thousand permits had been issued and of them over 40 thousand came from the camps since 2016.¹⁶⁹ The total active permits are not known, but one can only assume they are close to 30% of the total as was the case in 2018. In June 2019, only 165 Syrians were working in the SEZs.¹⁷⁰ The explosion of jobs in the SEZs or other manufacturing jobs has not

¹⁶⁶ “12th meeting of the EU-Jordan Association Council (Brussels, 10 July 2017) – Minutes,” Association Between the European Union and Jordan (Luxembourg: 17 June 2019), accessed September 23, 2019, <https://data.consilium.europa.eu/doc/document/ST-3301-2019-INIT/en/pdf>, 37.

¹⁶⁷ Council of the European Union, “Commission Staff Working Document Background Analysis Per Beneficiary Country Accompanying the Document Report from The Commission to The European Parliament and The Council on The Implementation of Macro-Financial Assistance to Third Countries in 2017,” 9.

¹⁶⁸ Council of the European Union, “Council Decision on The Position to be Taken, on Behalf of the European Union, within the Association Committee Established by the Euro-Mediterranean Agreement Establishing an Association Between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards an Amendment to Protocol 3 to that Agreement Concerning the Definition of the Concept of ‘Originating Products’ and Methods of Administrative Cooperation,” 8.

¹⁶⁹ “Syrian Refugee Unit Work Permit Progress Report January 2020,” Ministry of Labour Syrian Refugee Unit (Amman: January 2020) accessed March 23, 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/73881.pdf>, 1.

¹⁷⁰ Council of the European Union, “12th Meeting of the EU-Jordan Association Council (Brussels, 10 July 2017) – Minutes,” 6, 55.

occurred. Most of the jobs are in unskilled labor and many job sectors as previously mentioned, are still excluded to the Syrians. They still do not have access to their human capital to ensure their livelihood and are still excluded from competing with Jordanians in many sectors of the formal market. “There are at least 17 job types or [closed] sectors, including engineering, teaching, medicine and many service sector Jobs,” which force the majority of Syrians into unskilled labor.¹⁷¹ Without job creation or growth, the labor market is a zero-sum game and therefore finding work for Syrians means someone else is going to be fired or replaced. In the unskilled labor market, the employers would have to replace south Asian migrant workers, but employers often prefer south Asian migrant workers over both Syrians and Jordanians.¹⁷² Jordan is also seeking to create jobs by simply formalizing informal labor. Many of the permits that have been given have come from this formalization process, but formalization can also have the adverse effect of leaving the remainder of Syrian refugees in the informal market to become even more exploitable and vulnerable to labor enforcement by the government.¹⁷³ At the end of the day there is a need for more job creation and while Syrians only have limited access to the formal labor market, it will be challenging for them to reach 200,000 jobs and create significant strides toward greater livelihood.

Other government policies have had mixed outcomes on Syrian livelihoods. In 2017, Jordan, “delinked work permits from a single job or employer in the construction and agriculture sectors, enabling refugees to have more than one job in addition to enabling them to leave an exploitative job” and they also enabled refugees inside the camps to work in the formal labor market and apply for work permits.¹⁷⁴ Allowing construction and

¹⁷¹ Katharina Lenner and Lewis Turner, “Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan,” *Middle East Critique* 28, no. 1 (January 2, 2019): 74 <https://doi.org/10.1080/19436149.2018.1462601>.

¹⁷² Lenner and Turner, “Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan,” 82.

¹⁷³ Lenner and Turner, “Making Refugees Work? The Politics of Integrating Syrian Refugees into the Labor Market in Jordan,” 84.

¹⁷⁴ “Still in Search of Work – Creating Jobs for Syrian Refugees: An Update on the Jordan Compact” International Rescue Committee, April 24, 2018, accessed August 17, 2019, <https://www.rescue.org/report/still-search-work-creating-jobs-syrian-refugees-update-jordan-compact>, 9.

agricultural cooperative agreements that allow Syrians to change jobs without getting a new work permit provides them much more labor protection. Yet one of the most valuable things about the work permits in addition to working is how it provides mobility to refugees who were previously not free to move around the country. Those who get work permits in the camps, they can work outside the camp in Jordan and travel freely for up to 30 days.¹⁷⁵ This type of mobility is a major gain for the refugees that reside in the camps. Despite these gains, there have been many other policies that have shown that livelihood is a European and not a Jordanian priority. In January 2018, Jordan changed the healthcare policy for Syrian refugees which made them pay 80% of the foreigner's rate, which has increased their healthcare costs and further limited their self-reliance and livelihood.¹⁷⁶ Syrian's livelihood has improved a little, but for the most part they are still being excluded from opportunities to access their human capital or livelihood assets.

L. EDUCATIONAL GAINS ARE UNCERTAIN FOR HOST NATIONS AND REFUGEES

The Jordan Compact has made some positive impact in terms of education, but Jordan was unable to fully absorb all Syrian children. Jordan has set up 209 schools that operate with double shifts, and 45 schools in refugee camps.¹⁷⁷ They were not able to reach the terms of the compact of having 190,000 students enrolled by the end of 2017, but in 2019 they had 144,000 enrolled.¹⁷⁸ The Jordan Compact notes that there were 143,000 Syrians in the education system in 2015, and therefore it appears as if little progress was made in increasing Syrian refugee enrollment.¹⁷⁹ There remains approximately 73,000

¹⁷⁵ "Frequently Asked Questions: Work Permits for Syrian Refugees in Jordan (Valid as of December 2018) [EN/AR] – Jordan," ReliefWeb, UNHCR, Government of Jordan, and ILO, 31 December 2018, accessed September 23, 2019, <https://reliefweb.int/report/jordan/frequently-asked-questions-work-permits-syrian-refugees-jordan-valid-december-2018>.

¹⁷⁶ International Rescue Committee, "Still in Search of Work – Creating Jobs for Syrian Refugees: An Update on the Jordan Compact," 8.

¹⁷⁷ Jordan Response Platform, "Jordan Response Plan 2019," 18.

¹⁷⁸ Jordan Response Platform, "Jordan Response Plan 2019," 44.

¹⁷⁹ Council on the European Union, "... adoption of EU Jordan Partnership Priorities and annexed Compact," 5 (Compact).

Syrian Refugee children outside of the education system in 2018.¹⁸⁰ Also by 2018 Jordan has had a decrease by 50% in teacher-student ratios from the 2015–2016 school year, which is a major success.¹⁸¹ The most concerning trend is the dropout rate for refugees in Jordan. The enrollment of Syrian refugees in Jordan is almost 100% until they are age 11 and then it slowly decreases.¹⁸² By age 16, rates are at 39% only to drop to 13% by age 18.¹⁸³ In addition to significant dropout rates as children get older, the amount of higher education for Syrians is significantly low: “Two to five per cent of Syrian refugees aged 18 to 22 attend post-secondary education, compared to 24 to 46 per cent of Jordanians in this age group.”¹⁸⁴ Education remains one of the most important areas of concern for Jordan and Syrian refugees, and there is still a lot of work to do to ensure their future success.

M. CONCLUSION

In December 2018, Jordan and the EU renegotiated the Jordan Compact until 2020.¹⁸⁵ In 2019, the pledging conferences led to another 7 billion promised in support of the Syrian cause. As mentioned, Jordan will maintain its relaxed ROO requirements in all of Jordan until 2030.¹⁸⁶ Indeed, Jordan was revalidated as a country that matters to the EU. It is going to continue to receive aid as long as migration is a concern to Europe. The memory in the EU of the massive refugee crisis of 2015 and the EU’s ongoing issues with migration will make Jordan relevant for years to come. As said before “win-win” is not the

¹⁸⁰ Jordan Response Platform, “Jordan Response Plan 2019,” 7.

¹⁸¹ Jordan Response Platform, “Jordan Response Plan 2019,” 19.

¹⁸² Åge A Tiltne, Huafeng Zhang, and Jon Pedersen, “The Living Conditions of Syrian Refugees in Jordan: Results from the 2017–2018 Survey of Syrian Refugees Inside and Outside of Camps,” FAFO and MOPIC, April 2019, accessed September 23, 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/67914.pdf>, 10.

¹⁸³ Tiltne, Zhang, and Pedersen, “The Living Conditions of Syrian Refugees in Jordan: Results from the 2017–2018 Survey of Syrian Refugees Inside and Outside of Camps,” 10.

¹⁸⁴ Tiltne, Zhang, and Pedersen, “The Living Conditions of Syrian Refugees in Jordan: Results from the 2017–2018 survey of Syrian Refugees inside and outside of camps,” 11.

¹⁸⁵ “European Neighborhood Policy and Enlargement Negotiations,” European Commission, Last modified January 13, 2020, accessed April 21, 2020, https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/jordan_en.

¹⁸⁶ “Jordan (Trade -Policy-Countries and Regions)” European Commission, Last modified 07 May 2019, accessed April 21, 2020, <https://ec.europa.eu/trade/policy/countries-and-regions/countries/jordan/>.

correct phrase for the Jordan Compact. However, there have been mutual gains. It is unclear how much the EU has decreased migration to its territory through the Jordan Compact. On the other hand, there was significant developmental growth for Jordan through it taking ownership of the refugee crisis and the great amount of aid received from the international community after signing the compact. There have been some gains for the refugees to include agriculture and construction cooperative agreements and some being able to work in the formal labor market. However, overall, the Syrian refugees are still largely excluded from their livelihood assets. The Host nation had hope of significant economic improvement that through relaxed ROO trade incentives, but that hope has yet to be realized. The Jordan Compact is definitely not a success, but it is a start. The hope is that the EU will enforce standards to improve the overall livelihood for Syrian refugees to a higher level. Accountability measures need to be developed. Overall, Jordan has taken its share of the world's lemons. The EU does not like lemons, and so they provide the sugar to anyone who wants to make lemonade. Jordan's lemonade is the Jordan Compact. Jordan continues to ask for more and more sugar. They will always emphasize how sour these lemons are, but the EU keeps dishing out more and more sugar. Until some accountability measures are put in place, this lemonade will have lots of lemons, lots of sugar, but still will not taste quite right.

IV. THE EU-AFGHANISTAN JOINT WAY FORWARD AGREEMENT

A. INTRODUCTION

Afghanistan has been in nearly constant conflict for over 40 years, from 1979–2020. With every episode of war, conflict and the subsequent regime change that ensued, refugees have fled the country. At times, negotiations brought hope that Afghanistan’s conflicts were over, and refugees returned only to find disappointment in an enduring conflict. This era of conflict has greatly weakened Afghanistan’s economy and society as it resulted in “two million dead, 700,000 widowed and orphaned . . . about one million Afghan children raised in refugee camps outside Afghanistan,” and over five million Afghan refugees in Pakistan and Iran.¹⁸⁷ Is there a solution that could stem the tide of migration back and forth from Afghanistan, promote an environment that allows refugees to return, benefit the state, and help the existing communities?

The UNHCR and other members of the international refugee regime previously advocated for bold new solutions to address returns to a country of origin (COO). However, in 2016, the EU made the first attempt to operationalize the belief that the international regime can stem the tide of refugees by negotiating an incentive package for a country of origin. The EU-Afghanistan Joint Way Forward Agreement (JWF) is a non-binding readmission agreement that seeks cooperation from the Government of Afghanistan to allow for the return of Afghan refugees, while the EU promises an incentive package to benefit the government, existing communities, and returnees through reintegration efforts and job creation opportunities. It also aims to decrease further migration of Afghan refugees outside the region of origin and specifically decrease migration toward Europe.

The simple question is, has the JWF plan produced mutual gains for all? This chapter argues that the JWF does not ultimately benefit returnees into Afghanistan due to the negative impacts of repatriation into a country that is not stable economically or

¹⁸⁷“Afghan Displacement and Solution Strategies,” International Rescue Committee, October 2017, <https://www.rescue.org/sites/default/files/document/2438/afghanistandisplacementandircsolutionsfeb2018.pdf>, 3.

security-wise. This chapter also argues that the EU has not overwhelmingly gained either due to the secretive nature of the negotiations and the outcry by many in the international community. This chapter further argues that while the Government of the Islamic Republic of Afghanistan (GIROA) has benefited from this relationship to pursue national priorities, the host nation communities have only benefited minimally.

To support this argument, this chapter reviews the history of conflict over the past 40 years and the overall economic and security setting of the country up to the time of the EU-Afghanistan agreements in 2016. The Afghan government's attempt at taking ownership of the refugee situation is addressed as a critical development. The chapter explains the secretive nature of the negotiations of the JWF and details of the agreement. It also presents an analysis of the post-agreement economic and security situation faced by the returnees. To summarize, this chapter demonstrates how the JWF has produced minimal gains for existing communities, returnees, and the EU while GIROA has greatly benefited from the deal.

B. EUROPE'S AFGHAN MIGRATION PROBLEM AND SOLUTION

Afghanistan became increasingly more important to the EU as they sought to control their refugee crisis in 2015. Afghan refugees were on the EU's radar because they were the second highest group of irregular migrants, at over 267 thousand entering the EU in 2015, second only to Syrian refugees.¹⁸⁸ In 2015, the EU identified that the expiring legal rights of 1.2 million undocumented Afghan refugees in Pakistan was a "key concern" because of it possibly leading to a new wave of Afghan migration into Europe.¹⁸⁹ Therefore, the EU had to address the existing Afghan migration problem and the potential Afghan migration to Europe. The rates of first-time asylum seekers of Afghan refugees in the EU went up from 22,000 in 2014 to 181,000 in 2015, and then to 186,000 in 2016, due

¹⁸⁸ "FRONTEX Annual Activity Report 2015," Council of the European Union (Brussels: 28 June 2016), accessed December 11, 2019, <https://data.consilium.europa.eu/doc/document/ST-10659-2016-INIT/en/pdf>, 14.

¹⁸⁹ "Commission Staff Working Document General Guidelines On Operational Priorities For Humanitarian Aid In 2016," Council of the European Union (Brussels: 26 June 2015) accessed December 11, 2019, <https://data.consilium.europa.eu/doc/document/ST-14695-2015-INIT/en/pdf>, 31.

to the flight out of Pakistan and continued flight out of Afghanistan.¹⁹⁰ As a consequence, EU sought to support member states by creating a readmission agreement with Afghanistan to ensure the cooperation of Afghanistan for any migrant that was not granted asylum. This agreement came to be known as the JWF. In order to analyze the JWF and determine how it impacted returnees, the host communities, and GIROA, an understanding of the economic and security setting of the country is needed.

C. (PRE-JWF) THE SECURITY SETTING PRESENTS CHALLENGES FOR RETURN OF AFGHAN REFUGEES

The setting of Afghanistan is important to understand because experts, such as Katy Long mentioned earlier, clearly articulate that repatriation can be extremely damaging when the proper political, communal, and security conditions are not established.¹⁹¹ She further states that many host countries, donors, and countries of origins often have incentives to execute repatriation pre-maturely. These issues were all identified under the old refugee regime, and the promise of the EU in executing the ideas of the GCR was that it was going to ensure mutual gains for all. If the EU was to be successful in implementing new strategies regarding repatriation, the environment had to be right.

However, the history of conflict and migration in Afghanistan in recent years have shaped its environment. In the late 1970s, Afghanistan faced an internal conflict after a coup by Afghanistan's communist party, the People's Democratic Party of Afghanistan (PDPA) overthrew the government of Mohammad Daoud Khan. An Afghan insurgent force, the mujahedeen, launched a fight against the regime using Pakistan as a base. The situation worsened when the Soviet Union invaded to support the Communist Party in 1979. The Soviet invasion pushed many people to seek refuge as the country turned into a war zone, with villages destroyed, minefields scattered across the country, and the

¹⁹⁰ "Whole of Route Approach to Migratory Movement of Afghans along the Silk Route," Council of the European Union (Brussels: September 4, 2019) accessed December 12, 2019, <https://data.consilium.europa.eu/doc/document/ST-11502-2019-INIT/en/pdf>, 15.

¹⁹¹ Katy Long, "Repatriation in the 21st Century: Learning History's Lessons?" *The Point of No Return: Refugees, Rights, and Repatriation* (Oxford University Press, 2013).

population inflicted with indiscriminate aerial bombardments, torture, mass killings, and summary arrests.¹⁹²

The mujahideen, supported by the United States, Saudi Arabia, and Pakistan, prevailed against the Soviet occupation. By 1980, this conflict had created 1.9 million refugees, the “biggest single group of refugees in the world.”¹⁹³ Overall the Afghan-Soviet war led to 6.2 million refugees in Iran and Pakistan by the end of the 1980s, which was approximately half of all the refugees in the world at that time.¹⁹⁴ Eventually, the Soviets withdrew from Afghanistan in 1989.

In 1992 the mujahideen had taken over Afghanistan. With the hope that peace had been won by the mujahideen in 1992, millions of refugees returned to Afghanistan but the civil war among the mujahideen vying for power caused the repatriation to slowdown.¹⁹⁵ As it continued, the violent and destructive civil war generated more refugees.¹⁹⁶ In the midst of a chaotic and war weary people, the Taliban arrived in the country in 1994, perceived by the populace as a force that could bring stability and peace.¹⁹⁷ The Taliban were able to take arms away from the people, stop tribal fighting, and open roadways for trade, which once again brought a false sense of security as some refugees began to return again to Afghanistan.¹⁹⁸ By 1996 the Taliban gained control of Kabul and created an Islamic Emirate, and implemented a draconian form of sharia law. In 1992, 1.5 million refugees returned to Afghanistan, but by the time the Taliban took full power, returns

¹⁹² “Afghanistan: The Forgotten War: Human Rights Abuses and Violations of the Laws of War Since the Soviet Withdrawal,” Human Rights Watch, 1 February 1991, accessed 5 December 2019, <https://www.refworld.org/docid/45c9a5d12.html>.

¹⁹³ Rupert Colville, “Afghanistan: The Unending Crisis – The Biggest Caseload in the World,” *Refugees Magazine* Issue 108, UNHCR, accessed December 5, 2019, <https://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3b680fbfc&query=refugees%20magazine>.

¹⁹⁴ Rupert Colville, “Afghanistan: The Unending Crisis – The Biggest Caseload in the World,”

¹⁹⁵ Frederic Grare and William Maley, “The Afghan Refugees in Pakistan,” Middle East Institute, June 30, 2011, http://www.operationspaix.net/DATA/DOCUMENT/4042~v~The_Afghan_Refugees_in_Pakistan.pdf, 2.

¹⁹⁶ Frederick Grare, “The Geopolitics of Afghan Refugees in Pakistan,” *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering* (Brookings Institution Press, 2004), 81.

¹⁹⁷ Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, 2nd ed. (Yale University Press, 2010).

¹⁹⁸ Grare, “Afghan Refugees in Afghanistan,” 82.

declined to the lowest number in five years, 52,000, in 1997 due to Taliban's tough rule.¹⁹⁹ Refer to Table 1, Forty Years of Conflict, Migration, and Displacement, for the numbers of returns and displaced persons in Afghanistan from 1989 to 2019.

¹⁹⁹ Reference Table 1.

Table 1. Forty Years of Conflict, Migration, and Displacement²⁰⁰

Year	Undocumented Returns	Documented Returns	Total Returns	Event	IDPs
1988-89	-	-	200,000 *	Soviet Withdrawal	-
1990	-	-	150,000*		6,000,000+
1991	-	-	200,000*		-
1992	-	-	1,568,000*	Mujahideen overthrow PDPA	-
1993	-	-	964,000*		15,000
1994	-	-	330,000*		332,200
1995	-	-	348,000*		159,600
1996	-	-	135,000*	Taliban overthrow Mujahideen Govt	273,840
1997	-	-	52,000*		296,795
1998	-	-	-		315,800
1999					258,625
2000					758,625
2001					1,200,000
2002	311,491	1,834,537	2,146,028	Taliban defeated by U.S./NATO	665,156
2003	169,740	475,639	645,379		184,269
2004	116,079	761,122	877,201		159,549
2005	237,412	514,090	751,502		142,505
2006	248,065	139,804	387,869	Taliban insurgency increases attacks	129,310
2007	163,262	365,410	528,672		153,718
2008	82,670	278,484	361,154		230,670
2009	-	54,552	54,552		297,129
2010	-	112,968	112,968		351,907
2011	-	67,962	67,962		447,547
2012	-	94,556	94,556		486,298
2013	-	38,766	38,766		631,286
2014	554,121	16,995	571,116		805,409
2015	670,210	58,460	728,670		1,174,306
2016	692,866	372,577	1,065,463	EU-AFG JWF and CAPD	670,532
2017	560,552	58,817	619,369	EU- AFG Strategy	445,335
2018	820,000*	15,699	835,699	AFG joins CRRF	343,341
2019	504,977*	8,079	447,097	Taliban insurgency continues	422,661
* only Pakistan and Iran returns					

After the Taliban regime fell in 2001 with the United States' invasion, once again the hope for a new peaceful existence in Afghanistan led over 2.1 million to return in 2002 alone.²⁰¹ The largest return in any four-year period in Afghanistan's history occurred from

2002 to 2005 when over 4.4 million refugees returned.²⁰² Despite a quick initial defeat of the Taliban in 2001, Afghanistan has been unable to break out of the cycle of conflict. As the United States sought to build a democracy in Afghanistan, the Taliban regrouped and launched an insurgency that is still going on. By 2006, the insurgency was fully operational, and by January to May 2006 there was a 200% increase in attacks compared to the same period of time in 2005.²⁰³ This rise in conflict also correlated to approximately a 50% drop in returns from 2005 to 2006.²⁰⁴

Yet despite there being no significant reason for hope, repatriation has continued. From 2006 to the signing of the JWF in 2015, over four million refugees have returned.²⁰⁵ These returns despite the perpetuation of conflict which included major civilian casualties. In 2015, the Taliban's control of Afghan territory was expanding, and civilian casualties were at their highest since the war started in 2001.²⁰⁶ During the first four-year period after the invasion, from 2002 to 2005, there was an average of 373 civilians killed every year

²⁰⁰ Adapted from UNHCR, "Operational Portal Refugee Situations: Islamic Republic of Afghanistan," Last updated 23 March 2020, <https://data2.unhcr.org/en/country/afg>; IOM, "Undocumented Returns by year (2014-June 2018)" IOM data report on Afghanistan, <https://afghanistan.iom.int/sites/default/files/Reports/afghanistan.pdf>, 4; IOM and UNHCR, "Returns to Afghanistan: Joint IOM-UNHCR Summary Report 2018," Kabul: May 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/iom_unhcr_2018_joint_return_report_final_24jun_2019english.pdf, 4; IOM, "Return of Undocumented Afghans Weekly Situation Report 29 DEC 2019- 4 JAN 2020" https://afghanistan.iom.int/sites/default/files/Reports/iom_afghanistan-return_of_undocumented_afghans-situation_report_29_dec_2019-4_jan_2020.pdf; UNHCR, "Table 37: Estimated, Refugee returns, 2002–2012" found in Marchand, Katrin, and Melissa Siegel, Katie Kuschminder, Nassim Majidi, Michaela Vanore, Carla Buil. "Afghanistan Migration Profile," IOM (Kabul, Afghanistan, 2014), https://afghanistan.iom.int/sites/default/files/Reports/afghanistan_migration_profile.pdf, 118; Katrin Marchand and Melissa Siegel, Katie Kuschminder, Nassim Majidi, Michaela Vanore, Carla Buil. "Afghanistan Migration Profile," IOM (Kabul, Afghanistan, 2014), https://afghanistan.iom.int/sites/default/files/Reports/afghanistan_migration_profile.pdf, 31; UNHCR, "Table 3–3: Repatriation from Iran and Pakistan" No. 108, 1997 found in Grare, Frederic "The Geopolitics of Afghan Refugees in Pakistan," *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering* (Brookings Institution Press, 2004), 80.

²⁰¹ Reference Table 1

²⁰² Reference Table 1

²⁰³ Thomas H. Johnson and M. Chris Mason, "Understanding the Taliban and Insurgency in Afghanistan" *Elsevier* Vol 51 Issue 1 (Winter 2007): 81.

²⁰⁴ Reference Table 1

²⁰⁵ Reference Table 1

²⁰⁶ "Fragility and Population Movement in Afghanistan," UNHCR and The World Bank, <http://documents.worldbank.org/curated/en/315481475557449283/pdf/108733-REVISED-PUBLIC-WB-UNHCR-policy-brief-FINAL.pdf>, 4.

but, in the four-year period from 2012 to 2015, an average of 3,246 civilians were killed each year.²⁰⁷ Civilian casualties reached over 8,500 in 2016 alone.²⁰⁸

Afghanistan had been in near constant conflict since the late 1970s and in 2016 it was still at war. The civilian population was especially at risk. It was in this environment that the EU began to negotiate with Afghanistan for the return of illegal Afghan migrants in the EU. The environment in Afghanistan was unsuitable for the repatriation of vulnerable migrants not only due to the poor security situation but also due to the declining economy.

D. (PRE-JWF) THE ECONOMIC SETTING PRESENTS CHALLENGES FOR RETURN OF AFGHAN REFUGEES

Mass refugee return comes with a host of economic challenges that are exacerbated by the problems of a growing population and an economy heavily reliant on the drug and arms trade. Afghanistan's economy was weak and unable to support its populace, and there was little to no economic or state capacity to support returning refugees. Unfortunately, the influx of aid after the U.S. invasion only masked the country's real economic problems. Afghanistan's GDP growth increased to 21% in 2009 due to foreign aid, but then declined rapidly to a level at or below three percent from 2014 onward.²⁰⁹ As economic growth slowed due to reductions in foreign aid, the supply in the labor market far outweighed demand, causing poverty to increase. Studies show that approximately 400 thousand new jobs need to be created each year in Afghanistan for the economy to support its growing population.²¹⁰ Afghanistan's labor market was already overburdened prior to the repatriation of foreign refugees, and returnees further strained the already stagnant labor

²⁰⁷ Neta C. Crawford, "Update on the Human Costs of War for Afghanistan and Pakistan, 2001 to mid-2016," Watson Institute, Brown University, August 2016, 3.

²⁰⁸ "Civilian Casualties Remain near Record High Levels in Afghanistan," United Nations Assistance Mission in Afghanistan, October 12, 2017, <https://unama.unmissions.org/civilian-casualties-remain-near-record-high-levels-afghanistan>.

²⁰⁹ "GDP Growth (Annual %) – Afghanistan | Data," World Bank Data, accessed December 9, 2019, <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=AF>.

²¹⁰ UNHCR and The World Bank "Fragility and Population Movement in Afghanistan," 1.

market.²¹¹ The World Bank confirms that job creation was overmatched by population growth, and finding a good job was difficult.²¹² Poverty rates went from 33% in 2007 to 54% in 2016.²¹³

The burden of returnees on the state and local communities is partly responsible for the steadily decreasing stability of Afghanistan. Ahmadi Belquis and Sadaf Lakhani explain that the devastating impacts of returnees are straining “government services, inhibiting development progress, and exacerbating instability.”²¹⁴ They show that these returnees mainly settle in urban areas, which strains the government’s ability to deliver services and provide security. Additionally, their research reveals that conflict over land is rampant, and the scarcity of arable land is responsible for rising food insecurity in Afghanistan.²¹⁵ Their report also specifies that conflict among existing communities and returnees is common due to the strain on resources. Throughout the period from 2002 to 2016, local communities dealt with competition for economic and natural resources while the state lacked the capacity to absorb this influx of returnees given its persistent economic challenges.

This poor economic environment and lack of capacity by the state exacerbates displacement and internal conflict. Studies show that once the limit of capacity is reached in an area, conflict becomes more likely and higher insecurity results.²¹⁶ One indicator of absorption capacity limits is the generation of an internally displaced person (IDP). After refugees return to their country, they often are unable to settle but remain internally

²¹¹ Daniel G. Sanchez, “Managed Labor Migration in Afghanistan: Demographic profile, Short term projection, and supply of migration in Afghanistan.” World Bank Group, Washington, D.C., 2018, <https://openknowledge.worldbank.org/bitstream/handle/10986/29278/122985-WP-P158055-PUBLIC-MLMAcFINALsinglepagesonline.pdf?sequence=1&isAllowed=y>.

²¹² “The World Bank in Afghanistan,” World Bank accessed December 9, 2019, <https://www.worldbank.org/en/country/afghanistan/overview>.

²¹³ “Afghanistan Data,” World Bank, accessed December 9, 2019, <https://data.worldbank.org/country/afghanistan>.

²¹⁴ Belquis Ahmadi and Sadaf Lakhani, “The Forced Return of Afghan Refugees and Implications for Stability,” *USIP Peacebrief* 199, January 2016, <https://www.usip.org/publications/2016/01/forced-return-afghan-refugees-and-implications-stability>, 1.

²¹⁵ Ahmadi and Lakhani, “The Forced Return of Afghan Refugees and Implications for Stability,” 3.

²¹⁶ UNHCR and The World Bank “Fragility and Population Movement in Afghanistan,” 2-3.

displaced. After 2002, as the conflict became worse in Afghanistan, the chances of further displacement as an IDP or remigration increased.²¹⁷ Returnees in 2013 were twice as likely to become internally displaced as those in 2002, but what made this even worse was that returnees were 50 times more numerous in 2013.²¹⁸ This indicates that the country's ability to absorb return is over its limit.²¹⁹ Indeed, the IDP situation has worsened with time as there was an average of 153,820 IDPs a year from the five-year period from 2003 to 2007, while the five-year period from 2012 to 2016 had on average 753,566 a year.²²⁰ Indeed, IDPs only further exacerbate the problem of return migration and are a symptom and a cause of the poor economic and security conditions. IDPs further reflect the fight for resources from the existing community and returnees. This fight for resources can also be seen in the livelihoods of returnees.

The returnees' ability to seek livelihood opportunities is an indicator of how well they can integrate back into society. Focusing on economic opportunities is helpful to determine returnees' livelihood prospects. An ILO study assessed the livelihood opportunities in 22 areas of high return in Afghanistan in 2013.²²¹ The ILO assessment provided an important overview of the accessibility of livelihood opportunities for returnees. The study found that returnee families had to find any job quickly to ensure family survival, which usually meant low-skilled labor in the informal labor market. The research pointed out that the informal labor market has significant risks for returnees such as reduced or no pay for work, safety hazards, child labor, drug abuse, and other labor rights concerns. The ILO study showed that reintegration programs attempted to improve the labor market in high return areas where economic opportunities were low, but that overall "livelihood programme-supported jobs were extremely badly paid and often

²¹⁷ UNHCR and The World Bank "Fragility and Population Movement in Afghanistan,"2-3.

²¹⁸ UNHCR and The World Bank "Fragility and Population Movement in Afghanistan,"2.

²¹⁹ UNHCR and The World Bank "Fragility and Population Movement in Afghanistan,"2.

²²⁰ Reference Table 1.

²²¹ "Assessment of Livelihood Opportunities for Returnees/Internally Displaced Persons and Host Communities in Afghanistan," ILO (Kabul:2013) accessed December 12, 2019, https://www.ilo.org/wcmsp5/groups/public/-asia/-ro-bangkok/-ilo-islamabad/documents/publication/wcms_213661.pdf.

unsustainable.”²²² To find better work, returnees had to leave the over-saturated high return areas and seek work in urban centers or even travel to other nations.

Even though returnees are moving into cities, or urban areas, most are not working in the formal labor market. The ILO study also shows that the best jobs are in the formal sector, such as being police officers and schoolteachers, because they provide a constant flow of money, whereas the informal market only produces seasonal cash flows. Additionally, the next best jobs are in small business, with the third and least desirable jobs being in agriculture. However, most returnees have little access to the desirable formal labor market and work as low-skilled labor in the informal economy. The ILO study further explains that returnee families often rely on non-governmental interest-free loans that provide a crucial safety net. Returnees come back to Afghanistan and have limited livelihood opportunities. They try to survive in the informal economy, and often their safety net comes from their personal connections rather than the government.

E. (PRE-JWF) RETURN PROCESS AND GIROA’S OWNERSHIP OF RETURN MIGRATION

GIROA and other international organizations’ have sought to provide for the livelihoods and security for returnees. However, GIROA has largely been ineffective at managing the return of so many Afghans. For years it relied on and followed the lead of international organizations. In 2015, there was a major shift in the approach of GIROA and it started taking national ownership of the situation. Understanding how GIROA operated and this shift toward greater leadership is essential to understand when considering the negotiation and future implementation of the JWF in 2016.

The UNHCR, in partnership with GIROA, primarily works with registered refugees, while the International Organization for Migration (IOM), in partnership with the government, primarily works with undocumented refugees returning. In order to determine the scope of reintegration efforts it is important to understand the process of return. The Ministry of Refugees and Repatriation’s (MoRR) *Comprehensive Voluntary Repatriation*

²²² ILO, “Assessment of Livelihood Opportunities for Returnees/Internally Displaced Persons and Host Communities in Afghanistan,”⁸⁷.

and Reintegration Strategy (CVRRS) for 2015 articulates the process of return at that time.²²³ The CVRRS calls for registered refugees to visit an UNHCR Voluntary Repatriation Center in the host country to coordinate their return; upon return they will visit an Encashment Center (EC) where each returnee receives USD \$200 to cover their immediate reintegration needs, such as transportation. Therefore, a family of five would receive \$1000. Additionally, the CVRRS explains that ECs also provide counseling and education services to prepare returnees for reintegration: this includes courses in mine risk education, information about reintegration into schools, basic health services to include vaccinations, and the identification of any vulnerable persons or groups that need additional services. Overall, the ECs provide a valuable service designed to ease the transition of documented refugee families back into their home country.

The CVRS also explains the process for undocumented returnees who may be returning voluntarily or by force. They are identified at border crossing points and then taken to a transit center. They are screened for health. The government works with unaccompanied minors to connect them with family. The CVRSS also specifies that for those vulnerable groups, some transportation may be provided as well as a one-time allocation of food and other essentials, such as blankets, cookware, and hygiene items. The strategy document also goes on to say that “provision of housing and other services required for reintegration is not possible for undocumented deportees who lack documentation.”²²⁴ Documented returnees have a significant advantage in receiving reintegration support upon return, which is especially concerning when considering that in 2015 undocumented returns were over 700 thousand, and in 2016 they increased to over one million.²²⁵ The minimal reintegration support for undocumented returnees further decreases their livelihood opportunities, and they become even more vulnerable than documented refugees.

²²³ “Comprehensive Voluntary Repatriation and Reintegration Strategy” Version 12, Ministry of Refugees and Repatriation (Kabul: 16 August 2015), <https://www.refworld.org/pdfid/5b7299cb4.pdf>.

²²⁴ Ministry of Refugees and Repatriation, “Comprehensive Voluntary Repatriation and Reintegration Strategy,” 14.

²²⁵ Reference Table 1

The MoRR was a less than pro-active leader, and more of a follower of international organizations such as the UNHCR. Up to 2016, GIROA did not take ownership of the migration situation because of poor leadership within the MoRR. Until 2016, MoRR was the primary accountable organization for returnees and IDPs, but it also consulted with other Afghan ministries, donors, UN agencies, and NGOs.²²⁶ The first major plan to address solutions for returnees was not led by MoRR, but led by the UNHCR in 2012, and called Solution Strategies for Afghan Refugees (SSAR). MoRR did not take national ownership over the Afghan response but continued to follow UNHCR's lead. Without ownership and leadership of the migration crisis in Afghanistan, the power of the state and its resources were not effectively used to help refugees and help the nation address the impacts of mass return.

MoRR was not effective at leading the UNHCR-developed plans, and these plans were not integrated into GIROA's national priorities and agenda. A report by the Special Inspector General for Afghanistan Reconstruction (SIGAR) in 2015 highlighted the dysfunction and poor leadership of the MoRR that hindered the state from being able to drive national agendas and development.²²⁷ The SIGAR report detailed how MoRR's high levels of corruption caused the government's land allocation scheme to be implemented haphazardly and ineffectively. The report explained that the land allocation program provided land to returnees and was a key component of the SSAR. The SIGAR also revealed that relationships between the UNHCR and IOM were strained due to endemic corruption and poor leadership within the MoRR. It further argued that the MoRR was unable to ensure refugees were implemented into the national development strategies and programs in other ministries, and that the MoRR did not advocate for the needs of the refugees. The report found that the MoRR hindered the execution of the published and agreed upon strategies by the international community to help refugees and returnees in

²²⁶ Katrin Marchand and Melissa Siegel et al. "Afghanistan Migration Profile," IOM, Kabul, Afghanistan, 2014, https://afghanistan.iom.int/sites/default/files/Reports/afghanistan_migration_profile.pdf, 218.

²²⁷ "15-83-Audit Report: Afghan Refugees and Returnees: Corruption and Lack of Afghan Ministerial Capacity Have Prevented Implementation of a Long-term Refugee Strategy," SIGAR, August 2015, <https://www.sigar.mil/pdf/audits/SIGAR-15-83-AR.pdf>.

Afghanistan.²²⁸ Returning refugees were not a major priority, and the state relied on foreign international actors to help drive their policies through the SSAR.

However, in 2015 GIROA altered the way it approached the return migration situation, indicating that it was prepared to lead the approach rather than follow in order to incorporate migration into its national agenda. GIROA restructured its national approach and coordination for return migration by creating a government body called the High Commission for Migration (HCM). This was a critical step for Afghanistan for this commission became controlled by the president and consisted of all the line ministers, and it provided an avenue for the president to make decisions concerning refugees, returnees, and IDPs.²²⁹ The sub-committee of the HCM, led by the chief executive and the line ministers, implemented the decisions of the HCM.²³⁰ This new structure provided a way to ensure migration concerns were being implemented into national strategies and plans. Other indicators that GIROA was taking more ownership was that in August 2015 the state produced *The Comprehensive Voluntary Repatriation and Reintegration Strategy*, which was essentially in line with the SSAR but outlined their approach to achieve national goals.²³¹ In December GIROA also produced a national policy document entitled, *Self-Reliance: A Strategy for Reducing Informal Out-Migration and Reintegrating the People Who Have Left*, which focused on four priorities: improving the civil service, housing development, legal migrant labor, and rural growth and integration in the labor market.²³² In 2016, GIROA made even more changes that showed that migration was a national priority.

²²⁸ SIGAR, “15-83-Audit Report,” 3.

²²⁹ Ministry of Refugees and Repatriation, “Comprehensive Voluntary Repatriation and Reintegration Strategy,” 4.

²³⁰ Ministry of Refugees and Repatriation, “Comprehensive Voluntary Repatriation and Reintegration Strategy,” 4.

²³¹ Ministry of Refugees and Repatriation, “Comprehensive Voluntary Repatriation and Reintegration Strategy.”

²³² “Annex: of the Commission Implementing Decision on the Special Measure on Improving Reintegration of Returnees in Afghanistan, Bangladesh and Pakistan” EU Commission (Brussels: December 16, 2016) accessed December 11, 2019, <https://ec.europa.eu/transparency/regdoc/rep/3/2016/EN/C-2016-8433-F1-EN-ANNEX-1-PART-1.PDF>, 5.

In 2016, GIROA created a new body, the Displacement and Return Executive Committee (DiREC), to direct migration issues in a more efficient way to be able to have better control and power regarding interactions with the international community, especially when it came to aid. Three bodies were created to oversee migration policy and implementation: the HCM that defines policy, the HCM sub-committee comprising the decision makers, and DiREC which executes the policy.²³³ DiREC is led by joint representatives from the Office of the Chief Executive, MoRR, and the United Nations Assistance Mission to Afghanistan.²³⁴ Those included in the DiREC are officials from “the Office of the President, the OCE, MoRR, UNAMA, the National Security Council, the Ministry of Finance, the Office of the State Minister for Disaster Management and Humanitarian Affairs, ARAZI, the World Bank, UNHCR, IOM and OCHA” that comprise a policy, a technical, and a financial support group.²³⁵ This new structure represents the implementation of a whole of government approach and ensures that returnees will not be forgotten or unsupported because of a single weak ministry such as the MoRR. This internal government restructuring allowed them to be able to utilize development aid and allow it to achieve national goals. It is no coincidence that in October 2016 at the Brussels Conference on Afghanistan, a pledging conference, that GIROA presented its national agenda entitled, *The Afghanistan National Peace and Development Framework 2017–2021* (ANDPF). Afghanistan was prepared to show the world that it had a development plan and an organizational framework designed to effectively utilize the aid brought in from the pledging conference to pursue national goals and agendas.

F. DECREASING AID AND AN OPPORTUNITY

The year 2014 found Afghanistan in deep economic decline, and migration replaced security as the primary incentive to encourage outside nations to pledge money, especially with the EU. When U.S. and NATO forces made known their plan to withdraw troops in

²³³ “Policy Framework for Returnees and IDPs,” Islamic Republic of Afghanistan (Kabul: March 2017), <https://www.unhcr.org/5a577a037.pdf>, 7.

²³⁴ Islamic Republic of Afghanistan, “Policy Framework for Returnees and IDPs,” 7.

²³⁵ Islamic Republic of Afghanistan, “Policy Framework for Returnees and IDPs,” 7.

2014 there was a belief by GIRoA that aid “would increase to mitigate the negative effects of the withdrawal of international security forces, it instead declined sharply.”²³⁶ World Bank data shows that between 2001 to 2009 official foreign development aid into Afghanistan increased, driving a corresponding increase in Afghanistan’s economic growth. However, as foreign aid began to decline after 2009, Afghanistan’s economic growth also faltered.²³⁷ By the end of 2014 the inflow of foreign aid was at a seven-year low, and the economy was at a ten-year low.²³⁸ The aid that came along with the war effort was now unreliable and decreasing. However, GIRoA found a way to mitigate some of these problems by requesting more aid and building economic relationships for the purpose of migration.

The desire to acquire additional aid by using migration concerns can be seen in GIRoA’s request for support for reintegration efforts since 2012. In 2012 UNHCR and GIRoA asked for 227 million as part of a reintegration program.²³⁹ In 2014, GIRoA again asked for international support, claiming that it had financial requirements of \$189 million.²⁴⁰ The 2014 SSAR declared that a “reinvigorated, multi-year support of the international community [was] essential to ensure successful implementation of the Solutions Strategy and . . . also as a joint investment in stability and security in Afghanistan and beyond.”²⁴¹ First, GIRoA made the argument that money would not only help the refugee situation but also the security situation, which the world desperately desired. The SSAR also claimed that “more efforts are needed to align the development processes . . .

²³⁶ Nematullah Bizhan, “The Effects of Afghanistan’s political evolution on migration and displacement,” *Migration Policy Practice* Volume VI, Number 3 (June-September 2016), https://publications.iom.int/system/files/pdf/migration_policy_practice_journal_27.pdf, 7.

²³⁷ “Aid and Economic growth – Afghanistan,” World Bank, World Development Figures 2016, found in Bizhan, Nematullah. “The Effects of Afghanistan’s political evolution on migration and displacement,” 7.

²³⁸ “Aid and Economic growth – Afghanistan,” World Bank, World Development Figures 2016, found in Bizhan, Nematullah. “The Effects of Afghanistan’s political evolution on migration and displacement,” 7.

²³⁹ “The Voluntary Return and Reintegration Programme” UNHCR, UNDP, and GIRoA (Kabul, 2012), <https://www.unhcr.org/4fedc64b9.pdf>, 11.

²⁴⁰ “SSAR, Progress Report 2014,” UNHCR and GIRoA (2015), <https://www.unhcr.org/afr/562a44639.pdf>, 5.

²⁴¹ UNHCR and GIRoA, “SSAR, Progress Report 2014,” 29.

prioritize full reintegration of returnees into the Afghan society and ensure inclusion of returnee related activities into national development planning and programmes.”²⁴² Second, the SSAR argued that aid funding would be utilized to improve national development in the country in addition to reintegrating returnees in society. Lastly, the SSAR appealed for additional money to promote regional security and stability, reintegration of refugees, and development to decrease the burden on the state and existing communities. GIRoA hoped this new approach would bring in more aid and stop the decreasing aid from the international community.

The 2015–2016 SSAR found GIRoA with a better organizational structure and a better ability to pursue national priorities, and the requested amount of international aid increased to 553 million.²⁴³ This represented a threefold increase when compared to the budget request in 2014. Yet, Afghanistan was not simply trying to increase aid to build its national resilience, it also wanted better economic relationships with others. For example, since 2015, Pres. Ghani had been seeking economic partnership and specifically a Cooperation Agreement for Partnership and Development (CAPD) with the EU, which would “provide the legal framework for the EU’s long-term engagement.”²⁴⁴ The opportunity came when the Vice President of the European Commission, Federica Mogherini, asked to hold high-level talks on migration in December 2015.²⁴⁵ That month a proposal for the CAPD went before the European Council.²⁴⁶ During 2015 the EU was in a refugee crisis, and part of that crisis concerned Afghan refugees. It was during this time that Afghanistan overhauled its government framework to promote the needs of

²⁴² UNHCR and GIRoA, “SSAR, Progress Report 2014,” 10.

²⁴³ UNHCR and GIRoA, “SSAR, Islamic Republic of Afghanistan: Portfolio Projects 2015–2016” August 2015, <https://www.unhcr.org/539ab7f79.pdf>, 2.

²⁴⁴ “Council Conclusions on Afghanistan,” Council of the European Union (Brussels: 20 July 2015), accessed December 11, 2019, <https://data.consilium.europa.eu/doc/document/ST-11053-2015-INIT/en/pdf>, 7.

²⁴⁵ “Report from The Commission to The European Parliament and The Council on The Follow-Up to The Leaders’ Meeting on Refugee Flows Along the Western Balkans Route,” Council of the European Union (Brussels: 17 December 2015) accessed December 11, 2019, <https://data.consilium.europa.eu/doc/document/ST-15423-2015-INIT/en/pdf>, 8.

²⁴⁶ “EU-Afghanistan Cooperation Agreement,” European Parliament (March 2019), accessed December 12, 2019, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/635555/EPRS_ATA\(2019\)635555_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/635555/EPRS_ATA(2019)635555_EN.pdf).

refugees and resiliency of Afghanistan as a whole. Whether GIROA did this knowingly to encourage a deal with the EU is unclear, but regardless the timing was ideal. The opportunity came and they were ready.

G. EU AND GIROA NEGOTIATIONS

There is scant information available regarding the negotiations of the JWF due to the secretive nature of the negotiations. However, despite the secrecy, a leaked document from the Council of the European Union in March 2016 gave insight to the purpose behind the EU's efforts to create the JWF.²⁴⁷ The leaked document revealed the driving forces behind the agreement and how the EU utilized foreign aid and the CAPD as incentives to apply pressure. The leaked document showed the EU was concerned about the possibility of further mass migration to Europe due to the worsening situations in Afghanistan, Pakistan, and Iran. The document made it clear that, despite contested support for the JWF in Afghanistan by government officials, the CAPD and aid was used to pressure Afghan officials into supporting the JWF. The leaked document confirmed that readmission cooperation was part of the CAPD, but that it had not yet been signed. This suggested that Afghanistan needed to support the JWF if it wanted the CAPD to be approved by the European Council.

In addition to suggesting that Afghanistan needed to support the JWF, the document also disclosed that European aid was being used as a bargaining chip. The document specifically stated that “the State Building Contract for EUR 200 million in preparation is intended to be made migration sensitive . . . possibly to the implementation of the Joint Way Forward.”²⁴⁸ Next, it addressed the upcoming Brussels Conference in October 2016, and said “the leverage of the conference should be used as a positive incentive for the implementation of the Joint Way Forward.”²⁴⁹ The leaked document confirmed that aid

²⁴⁷“Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan” Council on the European Union (Brussels: 03 March 2016), accessed December 11, 2019, <http://statewatch.org/news/2016/mar/eu-council-afghanistan-6738-16.pdf>.

²⁴⁸ Council on the European Union, “Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan,” 8.

²⁴⁹ Council on the European Union, “Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan,” 8.

was planned to be used to pressure GiRoA into signing the JWF. The same document also reaffirmed the EU's desire to create mutual gains for Afghanistan and the EU by building Afghanistan's "resilience against fragility" in order to ensure a "cooperative attitude on return."²⁵⁰ The EU intended to buy cooperation through incentivizing aid and a CAPD for returning Afghan refugees. Their hope to create mutual gains appears to be a secondary concern.

The negotiations among Afghan leaders caused discord among the top leadership. Jelena Bjelica, a writer for the *Afghanistan Analysts Network*, is the only writer who has written about the negotiations within GIROA and the events that preceded the signing of the JWF. She uncovered how the JWF almost failed due to great opposition by the Afghan minister of refugees and repatriation, Sayed Alemi Balkhi, and the Afghan minister of foreign affairs, Salahuddin Rabbani.²⁵¹ Bjelica claimed it was crucial that the JWF was signed prior to the Brussels conference, because organizers believed discussing the JWF during the conference might pull the focus away from aid, and potentially deter other countries from pledging. She specified that the negotiations were slowed by Balkhi because he believed all Afghans should have 100% asylum acceptance, like Syrian refugees. He also claimed Afghans often spent their life savings on their migration to Europe and returning them would leave them with nothing. Bjelica observed that his concerns gained no traction because both the president and the chief executive officer of the unity government supported the JWF. Bjelica showed how Rabbani and Balkhi contested the JWF by taking the matter to the Afghan parliament, where Rabbani fought to convince the GIROA not to be pressured into the deal by promises of European aid. Her report finally stated the parliament did not even vote on the matter, and later the Deputy Minister of Refugees, a friend to Pres. Ghani, signed the JWF instead of Balkhi. When the Minister of

²⁵⁰Council on the European Union, "Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan," 10.

²⁵¹ Jelena Bjelica, "EU and Afghanistan Get Deal on Migrants: Disagreements, Pressure and Last Minute Politics," *Afghanistan Analysts Network*, October 6, 2016, accessed November 11, 2019, <https://www.afghanistan-analysts.org/eu-and-afghanistan-get-deal-on-migrants-disagreements-pressure-and-last-minute-politics/>.

Refugees and Repatriation does not agree with a readmission document that is a red flag, but the reality is that the EU wanted this deal and Pres. Ghani wanted the CAPD.

H. THE JOINT WAY FORWARD AGREEMENT

The JWF, signed on 2 October 2016, is a non-binding agreement that outlines the EU and Afghanistan's "cooperation on migration" to enable mutual gains for both.²⁵² Afghanistan agreed to cooperate in the return of Afghan refugees in the EU whose asylum requests were rejected in Europe, while the EU agreed to protect vulnerable groups during returns and not to return unaccompanied minors. The two parties agreed to work together to ensure that every returnee is provided with travel documentation, and to ensure proper coordination for all repatriations. The JWF also states the EU will carry out an information campaign within Afghanistan to inform the population on the risks of migration to Europe, in an effort to discourage further migration to Europe. The EU agreed to pay the cost of travel and provide a reintegration package. The text of the JWF claims that development aid is not tied to the agreement, aside from the funding earmarked for the reintegration package.²⁵³ It specifically states that "return programmes and reintegration assistance are separate from and irrespective of the development assistance provided to Afghanistan."²⁵⁴ The EU does not want to be seen as pressuring Afghanistan into a readmission agreement through large amounts of aid, although the leaked document clearly shows that was their intent.

The JWF further states that the reintegration package has three parts, one for the government of Afghanistan, one for the IOM, and one for creating jobs in order to prevent irregular migration. Overall these packages are to support reintegration and provide quick relief to host communities and returnees through building capacity in government institutions, job training, and skills development.²⁵⁵ Essentially the agreement is a

²⁵² "Joint Way Forward on migration issues between Afghanistan and the EU" EU and GIRoA (Kabul: October 2, 2016), accessed December 11, 2019, https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf, 1.

²⁵³ EU and GIRoA, "Joint Way Forward on Migration Issues between Afghanistan and the EU," 6.

²⁵⁴ EU and GIRoA, "Joint Way Forward on Migration Issues between Afghanistan and the EU," 2.

²⁵⁵ EU and GIRoA, "Joint Way Forward on Migration Issues between Afghanistan and the EU," 9.

handshake that says that Afghanistan will cooperate when the EU wants to send people back voluntarily or by force. The EU sweetens the deal by saying that they are going to build the capacity of the government and benefit both returnees and existing community members to essentially build livelihoods through economic opportunities. It is a bold deal in words, but it does not outline any specific measures or amount of funds that will be used to implement the plan.

I. (POST JWF) SECURITY UPON RETURN: A NET LOSS FOR RETURNEES

Although some of the impacts of the JWF are less clear, the number of returnees from Europe is known. Eurostat has data on *Third Country Nationals Returned Following an Order to Leave*.²⁵⁶ This data shows that from 2010 to 2016, the EU on average returned 3,860 Afghans a year from Europe. In 2017, the first full year of the JWF being in effect, 4,265 Afghans returned and in 2018, there were 3,120 that returned. Both 2017 and 2018 saw less than the 2016 returns of 8,335. These numbers show that in terms of returns from Europe, the EU did not benefit much at all. The JWF did not provide a significant advantage for member states to return more than they did prior to the JWF. Indeed, the EU lost more than it gained, because of the negative backlash by the international community regarding these returns.

The international condemnation for the JWF was loud and made clear to the EU. The EU is one of the world's premier advocates for human rights, but the JWF created a backlash from the human rights activists. Twenty-six international organizations wrote an open letter to the EU on 24 October 2016, entitled, *Open Letter: The European Parliament must immediately address the Joint Way Forward Agreement between the EU and Afghanistan*.²⁵⁷ They had multiple problems with the JWF. First, they criticized the

²⁵⁶ "Third Country Nationals Returned Following an Order to Leave – Annual Data (Rounded)" Eurostat, updated September 2019, accessed December 12, 2019, https://ec.europa.eu/eurostat/web/products-datasets/-/migr_eirtn.

²⁵⁷ "Open Letter: The European Parliament Must Immediately Address the Joint Way Forward Agreement between the EU and Afghanistan," European Council on Refugees and Exiles (ECRE) et al., October 26, 2016, accessed November 25, 2019, <https://www.ecre.org/open-letter-the-european-parliament-must-immediately-address-the-joint-way-forward-agreement-between-the-eu-and-afghanistan-as-a-headline/>.

agreement as being “a back door agreement...[that was] negotiated covertly,” and therefore bypassing the normal avenues to achieve a readmission agreement.²⁵⁸ They further argued that the EU’s creation of a non-binding agreement prevented “democratic accountability” by averting scrutiny from the European Parliament.²⁵⁹ The letter addressed the concerns of using aid to decrease migration, and other concerns such as non-refoulement, the protection of children, the poor security environment, and human rights violations. The JWF had only been signed earlier in the month, but the EU was put on notice that the international community was watching and already not pleased with how it was pursuing its goals. Unfortunately, the EU did not curtail the program, but continued to execute returns to Afghanistan despite the warnings.

The international outcry continued as returnees dealt with security and human rights violations and the challenges of never having lived in Afghanistan. Security was one of the primary reasons for opposition. Amnesty International shows that the EU increased the returns by over six thousand from 2015 to 2016 even though during that time there was a rise in civilian casualties.²⁶⁰ They highlight a family who left Afghanistan after being severely persecuted, and when their asylum case was denied in Europe, they returned home only to have their father killed. Penny Koutrolidou has shown in an article some of the hypocrisy of the JWF.²⁶¹ She shows that the UK’s Foreign of Commonwealth Office warn all UK citizens against all travel to the majority of Afghanistan, and only essential travel to some of the areas, while at the same time the EU returns Afghans to these travel-banned areas. She shows the desire to protect citizens but not Afghan migrants. She makes a compelling argument regarding whose safety does the EU really protect. The reality is that

²⁵⁸ ECRE et al., “Open Letter: The European Parliament Must Immediately Address the Joint Way Forward Agreement between the EU and Afghanistan.”

²⁵⁹ ECRE et al., “Open Letter: The European Parliament Must Immediately Address the Joint Way Forward Agreement between the EU and Afghanistan.”

²⁶⁰ “Forced Back to Danger: Asylum Seekers Returned from Europe to Afghanistan,” Amnesty International, London, 2017, accessed December 12, 2019, <https://www.amnesty.org/download/Documents/ASA1168662017ENGLISH.PDF>, 7.

²⁶¹ Panagiota Koutrolidou, “Whose Safety? Differentiated Justice within the “Safe Countries / Places” Discourse Concerning the EU-Afghanistan Joint Way Forward Agreement” *Contested Borderscapes Transnational Geographies vis-à-vis Fortress Europe* (May 2019) <https://aoratespoleis.files.wordpress.com/2019/05/contested-borderscapes-4.pdf>, 43–56.

Afghanistan is not getting more peaceful and the future is unpredictable. In June 2019, the Global Peace Index reported that Afghanistan is the “least peaceful country in the world, replacing Syria.”²⁶² The president of the International Federation of Human Rights, has responded:

The security situation in Afghanistan is alarming with indiscriminate violence... Thousands of civilians continue to be killed, abducted, maimed and displaced by the armed conflict. Nobody should be deported there. How can the EU pretend that it will respect international law including the protection against non-refoulement? Afghanistan is simply not safe.²⁶³

Unfortunately, war and conflict in Afghanistan continue, and the environment is not safe for returnees. In addition to violence and security concerns, a problem with many of these returns is the returning of vulnerable groups such as children or those who have never lived in Afghanistan. Some returnees were born in Iran or Pakistan and migrated to the EU but were returned to Afghanistan, a land they never knew. This was the case with Taibeh Abbasi, an Afghan girl. Abbasi made the news because although she was Afghan, she had never lived there, and was born in Iran and raised in Norway since 2012.²⁶⁴ Her family’s asylum was rejected in 2013 and in 2019 the government attempted to forcibly return her family to Afghanistan.²⁶⁵ In cases such as this, they return with no experience of the country and minimal connections. Another major critique of the JWF is that it makes it easy to return someone as soon as they turn 18 and meet the threshold of being an adult.²⁶⁶ Children feel unsafe during the return process, have challenges reintegrating, and

²⁶² “Global Peace Index 2019 – World,” Global Peace Index on ReliefWeb, accessed December 12, 2019, <https://reliefweb.int/report/world/global-peace-index-2019>.

²⁶³ “The EU-Afghanistan Joint Way Forward on Migration: A New Low for the EU,” International Federation for Human Rights, accessed November 11, 2019, <https://www.fidh.org/en/issues/migrants-rights/the-eu-afghanistan-joint-way-forward-on-migration-a-new-low-for-the>.

²⁶⁴ Monah Elfareh “My Friend Was Almost Deported to a Country She’s Never Even Visited,” *Metro* (blog), July 9, 2019, <https://metro.co.uk/2019/07/09/my-friend-faces-deportation-to-a-country-shes-not-even-visited-so-were-fighting-to-keep-her-here-10131811/>.

²⁶⁵ Monah Elfareh, “My Friend Was Almost Deported to a Country She’s Never Even Visited.”

²⁶⁶ Marion Guillaume, Nassim Majidi, Samuel Hall “From Europe to Afghanistan: Experiences of Child Returnees,” Save the Children, October 16, 2018, <https://resourcecentre.savethechildren.net/library/europe-afghanistan-experiences-child-returnees>.

are vulnerable to being targeted by violent organizations.²⁶⁷ Afghanistan simply does not have the right environment to enable return and vulnerable populations make this return even more dangerous. Indeed, an unknown source may have got it right, when he “called the Joint Way Forward a ‘poisoned cup’ that Afghanistan was forced to drink in order to receive development aid.”²⁶⁸ Yet it appears this poison cup may have been drunk by only the returnees and the EU. In terms of mutual gains, there was no net gain, but a net loss for returnees coming from Europe due to the poor conditions on the ground in Afghanistan.

J. (POST JWF) ECONOMIC CONDITIONS UPON RETURN: MINIMAL OPPORTUNITIES FOR RETURNEES

In determining the degree to which returnees are benefiting, the livelihood opportunities after the signing of the JWF need to be addressed. The Asia Foundation has recently published *A Survey on Afghan Returnees* that details the livelihood challenges of returnees and the amount of reintegration support.²⁶⁹ The study shows that 15% receive education while in displacement, but 27% reported learning a new skill while in displacement. When they returned to Afghanistan, many received some sort of assistance to include, “food (41.4%), cash/loans (32.5%), health care (22.0%), housing (21.3%), clothes and kitchen materials (17.1%), employment (16.4%), and training (3.5%).”²⁷⁰ The assistance by the government still seemed to be marred by corruption. 21% of those who sought assistance from the government had to pay a bribe or perform a service to receive it.²⁷¹ Additionally, the study showed the amount of support other organizations gave to returnees comparing those who were documented and undocumented, and stated “15.7% received support from the UNHCR (versus 5.4% who were undocumented) and 6.9%

²⁶⁷ Marion Guillaume, Nassim Majidi, Samuel Hall “From Europe to Afghanistan: Experiences of Child Returnees.”

²⁶⁸ Anna Shea, “Europe’s Great Betrayal of Afghan Asylum Seekers,” Amnesty International, October 5 2017, accessed November 20, 2019, <https://www.amnesty.org/en/latest/news/2017/10/europes-great-betrayal/>.

²⁶⁹ Tabasum Akseer, Mohammed Shoaib Haidary et al., “A Survey on Afghan Returnees 2018,” The ASIA Foundation (Washington, D.C, 2019) accessed December 12, 2019, <https://asiafoundation.org/wp-content/uploads/2019/05/A-Survey-of-the-Afghan-Returnees-2018.pdf>.

²⁷⁰ Tabasum Akseer, Mohammed Shoaib Haidary et al., “A Survey on Afghan Returnees 2018,” 19.

²⁷¹ Tabasum Akseer, Mohammed Shoaib Haidary et al., “A Survey on Afghan Returnees 2018,” 20.

received support from the IOM (versus 2.6% who were undocumented).”²⁷² Although the IOM does not represent the EU, it is the major recipient of the reintegration aid package based off the JWF agreement, and therefore shows their scope of support, which is minimal. These numbers make sense if the EU is focusing most of their reintegration support on those returning from Europe as returns from Europe in 2018 accounted for .3% of the overall returns for the year.²⁷³

Could these returnees take their new skills and create a better livelihood post JWF? Unfortunately those interviewed for the Asia Foundation study responded that their “household financial situation had gotten worse since returning to Afghanistan (53.5%), while 29.6% said it had improved and 16.8% said it had remained the same.”²⁷⁴ Also, more than 60% of respondents claimed that employment opportunities were better in displacement. In terms of economic support, 20% said they received help from friends, while 9% received help from the UNHCR and 4% from IOM. Overall, economic opportunities appear to decrease for returnees. The economic situation was also impacting children’s access to education.

Education is crucial for future livelihoods of families. However, the study showed that 25% of the respondents chose to keep at least one child out of school, and of them 50% did so for economic concerns. Looking at the enrollment of girls in school helps explain the reasons why some have less access to education. The study shows that in rural areas families are less likely to send their girls to school when they have concerns about their safety and concerns about their financial situation. The security and economic environment in Afghanistan are not suited to send children to school and to produce livelihood opportunities for the majority of Afghans as well as for one of the most vulnerable populations, the returnees. Overall, livelihood opportunities are not great in Afghanistan

²⁷² Tabasum Akseer, Mohammed Shoaib Haidary et al., “A Survey on Afghan Returnees 2018,” 21.

²⁷³ Reference Table 1 and “Third Country Nationals Returned Following an Order to Leave – Annual Data (Rounded),” Eurostat, updated September 2019, accessed December 12, 2019, https://ec.europa.eu/eurostat/web/products-datasets/-/migr_eirtn.

²⁷⁴ Tabasum Akseer, Mohammed Shoaib Haidary et al., “A Survey on Afghan Returnees 2018,” 20.

and many times it would have been better if the returnees had remained refugees in their host country.

The economic and security environment was not right for repatriation to Afghanistan. These lessons were learned in the old regime, but unfortunately the EU and Afghanistan did just as Katy Long said many governing bodies would do and force repatriation too early for their own gain.²⁷⁵ The returnees were pawns in these political games for governing bodies to get what they wanted.

K. GIROA GREATLY BENEFITS

GIROA played the game and won big. The first major benefit for GIROA from the deal was the signing of the CAPD and the creation of the EU and Afghanistan Strategy. It is likely that Afghanistan would not have entered into further agreements with the EU had it not signed the JWF. However, the CAPD is what they really wanted. The process to finalize the CAPD moved forward quickly as it was presented to the Council of the European Union the next month in Nov 2016.²⁷⁶ On 18 February 2017, vice president Federica Mogherini and the Afghan minister of finance, Eklil Hakimi, signed the CAPD less than four months after the signing of the JWF.²⁷⁷ The CAPD is important because it is the first legally binding agreement between the EU and Afghanistan.²⁷⁸ The JWF is not a legal document, but the CAPD is and it will cement the EU and Afghanistan relationship for years to come. The CAPD really creates a comprehensive partnership between the two parties for many purposes, but most importantly to support and promote security,

²⁷⁵ Katy Long, "Repatriation in the 21st Century: Learning History's Lessons?" *The Point of No Return: Refugees, Rights, and Repatriation* (Oxford University Press, 2013).

²⁷⁶ "Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part," Council of the European Union, (Brussels: 16 November 2016), accessed December 12, 2019, <https://data.consilium.europa.eu/doc/document/ST-12966-2016-INIT/en/pdf>

²⁷⁷ European Parliament, "EU-Afghanistan Cooperation Agreement."

²⁷⁸ "Workshop: Afghanistan Challenges and perspective until 2020" European Parliament, Directorate-General For External Policies, Policy Department (Belgium: February 2017) accessed December 12, 2019, <https://www.cmi.no/publications/file/6153-afghanistan-challenges-and-perspectives-until.pdf>.

development, Afghan institutions, trade, and investment.²⁷⁹ Indeed, the agreement is expansive, covering 60 articles or areas where the countries will cooperate, ranging from sanitary matters to intellectual property rights to counter-terrorism. The CAPD is more beneficial than the JWF for it has specific legal measures that will guarantee benefits to the state. For example, this agreement provides most-favored-nation status between the two parties, helping both countries get the best deal when it comes to trade. The CAPD retroactively places the JWF under a legal framework as it says, “the Parties agree to conclude, upon request by either Party, an agreement regulating specific obligations for readmission.”²⁸⁰

In addition to the CAPD, in October 2017 the EU developed a new European Union and Afghan Strategy which outlines the new EU and Afghanistan relationship. This document lays out specific benefits that are coming to GIROA due to the new partnership relationship it has with the EU.²⁸¹ The strategy outlines its support for an Afghan-led peace process, political and economic regional cooperation, drug and crime prevention, democracy, and human rights. It also outlines efforts to support development in the country. In regard to development the document explains that the EU has a state building contract for Afghanistan worth EUR 200 million for building financial institutions and reducing reliance on aid. Additionally, the strategy states that the EU utilizes the Afghan Reconstruction Trust Fund to help pursue development goals as aligned with the national budget. Some of these development initiatives outlined in the document is the EU-funded trade assistance program to support development cooperation regionally and the EUs intent to work with the GIROA on improving their ability to provide services, create jobs, improve rural economic prospects, and improve education. Additionally, the document acknowledges that the EU is a supporter of Citizen Charter that improves infrastructure

²⁷⁹ Council of the European Union, “Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part.”

²⁸⁰ Council of the European Union, “Cooperation Agreement on Partnership and Development between the European Union and its Member States, of the one part, and the Islamic Republic of Afghanistan, of the other part,”³⁹.

²⁸¹ “Afghanistan – Council conclusions” Council of the European Union (Brussels: 16 October 2017) accessed December 12, 2019, <https://data.consilium.europa.eu/doc/document/ST-13098-2017-INIT/en/pdf>.

and services to approximately 40,000 existing communities over the next decade.²⁸² These three documents or agreements establish the base for all EU Afghan relations, and the signing of the JWF made this relationship possible.²⁸³

The positive and now enduring relationship with the EU has not been the only benefit of GIRoA. First, the promise of money started to rise significantly only days after the signing of the JWF at the Brussels Conference on Afghanistan on 4 and 5 October 2016. The overall amount of money pledged for Afghanistan during the conference was 15.2 billion and 5.6 billion of that was pledged by the EU.²⁸⁴ The EU carried over 36% of the entire sum. The pressure for aid significantly influenced Afghanistan's decision to join the JWF, and after signing Afghanistan had real hope it was going to reap a great reward. World Bank data shows that lending also significantly increased in the years following 2015.²⁸⁵ Their data shows that lending went from 270 million USD in 2015 to 717 million USD in 2016, and that the average from 2017 to 2019 was 500 million USD. The World Bank data also shows that Afghanistan was able to stop their declining GDP and essentially not fall below 2016 numbers. Overall, in Sep 2019 the EU claimed it had spent or allocated 1.4 billion EUR in development aid and 240 million EUR in funding to support "migration and forced displacement."²⁸⁶ In some ways this new money was preserving the status quo, but there is no doubt that the Afghan Government really benefitted by the creation of the long-term relationship with the EU and by improving their aid situation. The real opportunity for Afghanistan was that it could now utilize these new funds to achieve national priorities outlined in the ANDPF and more effectively manage and support reintegration efforts to help returnees and existing communities.

²⁸² Council of the European Union, "Afghanistan – Council conclusions," 19.

²⁸³ "CFSP Report – Our priorities in 2019," Council of the European Union (Brussels: 15 October 2019), accessed December 12, 2019, <https://data.consilium.europa.eu/doc/document/ST-12720-2019-INIT/en/pdf>, 76.

²⁸⁴ "Brussels Conference on Afghanistan, 4–5 October 2016," Council of the European Union (Brussels: October 2016) accessed December 12, 2019, <https://www.consilium.europa.eu/en/meetings/international-summit/2016/10/04-05/#>.

²⁸⁵ World Bank "The World Bank in Afghanistan."

²⁸⁶ "Whole of Route Approach to Migratory Movement of Afghans along the Silk Route," Council of the European Union (Brussels: 4 September 2019), accessed December 12, 2019, <https://data.consilium.europa.eu/doc/document/ST-11502-2019-INIT/en/pdf>, 4.

L. REINTEGRATION AND DEVELOPMENT PROJECTS: A WIN FOR EXISTING COMMUNITIES AND RETURNEES?

Understanding the impact on existing communities and returnees as direct beneficiaries from the JWF is somewhat challenging due to its secretive nature. Many reports are vague, but there is some evidence that communities and returnees benefited. The EU-Strategy simply states that in accordance with the JWF, 79 million EUR was allocated to support existing communities.²⁸⁷ In relation to refugees and IDPs, the document says that it supports Afghan refugees in Iran and Pakistan, and 200,000 IDPs in Afghanistan through efforts to support the regional SSAR. It goes on to say that it supports “health, education, legal protection and legal assistance, sanitation and hygiene as well as livelihood opportunities.”²⁸⁸ Additionally, the EU has acknowledged that it allocated 27 million EUR to support communities that have a high amount of displaced persons in order to help create jobs and economic prospects.²⁸⁹ In terms of regional support since 2016, the EU stated that it has provided 300 million EUR to Afghanistan, Iran, Pakistan, Iran and Iraq for refugees and reintegration purposes, and that through that aid they were able to help “70,000 individuals with community development, vocational training, and boosting small enterprises.”²⁹⁰ By the end of 2017 all reintegration programs were established and in operation.²⁹¹ By December 2018, the EU had provided reintegration support for 406 returnees, which included “medical and psycho-social support, onward transportation to

²⁸⁷ Council of the European Union, “Afghanistan – Council Conclusions” 13.

²⁸⁸ Council of the European Union, “Afghanistan – Council Conclusions” 13.

²⁸⁹ “Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration,” Council of the European Union (Brussels: 17 October 2019), accessed December 12, 2019, <https://data.consilium.europa.eu/doc/document/ST-13249-2019-INIT/en/pdf>, 12.

²⁹⁰ Council of the European Union, “Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration,” (Brussels: 17 October 2019), 5, 6.

²⁹¹ “Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration” Council of the European Union (Brussels: 15 March 2018), accessed December 12, 2019, <https://data.consilium.europa.eu/doc/document/ST-7199-2018-INIT/en/pdf>, 18.

the final destination and temporary accommodation.”²⁹² Another report indicated that the reintegration package was only for those returnees who came from Europe and not for those repatriated from other countries such as Pakistan and Iran.²⁹³ The EU has allocated millions of dollars to support existing communities, IDPs, and has self-reported that it has helped thousands of Afghan community members and returnees. This reporting by the EU shows that there was gains by the existing community and returnees, but the details and amount of gain is difficult to monitor or observe.

The JWF articulates that it provides an aid package to the IOM, and evidence suggests that the Reintegration Assistance and Development for Afghanistan (RADA) is the program that the EU is funding as part of this aid package. RADA is a program run by the IOM that is funded by the EU. The project has a budget of EUR 30 million and is planned to be in operation from 2017–2021.²⁹⁴ The IOM reports that the program is in eight provinces and hopes to support 30,000 Afghans.²⁹⁵ Additionally, RADA aims to build government capacity, execute community development, provide grants to local businesses, conduct job training, and provide reception assistance to returnees from Europe.²⁹⁶ The document states all returned under JWF will have instant support once they land at the airport in Kabul, Afghanistan.²⁹⁷ IOM reports that RADA is aligned with DiREC and the ANDPF.²⁹⁸ As of 2018, RADA had completed 4 community development

²⁹² Council of the European Union “Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration,” (Brussels: 15 March 2018), 16.

²⁹³ Council of the European Union, “Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration,” (Brussels: 17 October 2019), 6.

²⁹⁴ “Reintegration and Development Assistance in Afghanistan (RADA)” IOM, January 2019, accessed February 7, 2020, https://afghanistan.iom.int/sites/default/files/rada_-_factsheet_-_jan_19_-_final.pdf.

²⁹⁵ “Returns to Afghanistan: Joint IOM-UNHCR Summary Report 2018” IOM and UNHCR (Kabul, Afghanistan: May 2019), https://reliefweb.int/sites/reliefweb.int/files/resources/iom_unhcr_2018_joint_return_report_final_24jun_2019english.pdf, 12.

²⁹⁶ IOM and UNHCR, “Returns to Afghanistan: Joint IOM-UNHCR Summary Report 2018,” 12.

²⁹⁷ IOM, “Reintegration and Development Assistance in Afghanistan (RADA).”

²⁹⁸ IOM and UNHCR, “Returns to Afghanistan: Joint IOM-UNHCR Summary Report 2018,” 12.

projects and had 11 ongoing, helping 4,745 households.²⁹⁹ IOM further stated that it had made agreements with 13 businesses to help promote business development which safeguarded 155 jobs. It also stated that it had helped 4795 with reception assistance to include 426 with temporary accommodation and 4623 with transportation.

As part of RADA there is Technical and Vocational Education and Training (TVET) provided in the eight different regions. In 2018, 230 returnees were selected to participate in this program, and learned skills in one of the following: “embroidery, mobile repairing, solar panel repairing, curtain making, child bedding tailoring, dress making and coat making tailoring.”³⁰⁰ Each participant was given a set of tools to develop their craft and then upon completion of the program they were given the tools to keep in order to allow them to continue to use their newfound skills.³⁰¹ In 2019, 528 more were selected to receive TVET training.³⁰² Overall, the EU has provided reintegration assistance and helped both returnees, IDPs, and communities. Individuals and families across Afghanistan are benefiting from the money the EU is providing to the IOM and other developmental projects. RADA appears to have good results in particular. Returnees and existing communities are receiving mutual gain, but those being helped are still only a small percentage compared to the extreme numbers of returnees.

M. THE PERPETUATION OF THE JWF AND THE EU’S TURKISH CONNECTION

EU’s credibility was stained by their efforts to push forward the JWF. They admit wrongdoing. In 5 April 2017, they acknowledge that they should have been more transparent, but then encourages the member states “to speed up current administrative and

²⁹⁹ IOM, “RADA update November 2018” November 2018, accessed December 12, 2019, https://afghanistan.iom.int/sites/default/files/Reports/rada_project_update_-_nov18.pdf.

³⁰⁰ Directorate General for Skills Development, “Reintegration and Development Assistance in Afghanistan (RADA) Project” accessed 7 February 2020, <https://www.dgsd.gov.af/project/rada#!>.

³⁰¹ Directorate General for Skills Development, “Reintegration and Development Assistance in Afghanistan (RADA) Project.”

³⁰² Directorate General for Skills Development, “Reintegration and Development Assistance in Afghanistan (RADA) Project.”

judicial procedures” to address the Afghan problem.³⁰³ This was a soft apology with full support of continued repatriation. Yet it was not until later that year that a full apology and denouncement of the JWF took place. On December 14, 2017, the EU recorded this statement as part of a Parliament Resolution:

Notes the conclusion of the Joint Way Forward informal readmission agreement between the EU and Afghanistan; regrets the lack of parliamentary oversight and democratic control on the conclusion of this agreement; calls on governments in the region to refrain from the repatriation of Afghans; points out that this is a direct violation of international humanitarian law and that the increasing number of refugees being treated this way only lends strength to terrorist groups and creates more instability in the region; underlines that repatriations to Afghanistan put the lives of returnees at grave risk, in particular those of single persons without a network of family or friends in Afghanistan who stand little chance of survival; underlines that EU assistance and cooperation must be tailored to achieving development and growth in third countries and to reducing and eventually eradicating poverty, and not to incentivizing third countries to cooperate on readmission of irregular migrants, to forcibly deterring people from moving, or to stopping flows to Europe.³⁰⁴

Despite the EU admitting that it needed to be more transparent, that all returns should stop, and that they violated international humanitarian law, the EU has not changed. Transparency is still not provided for the JWF. Many documents regarding the JWF on the EUs database are still not available for public consumption. To the knowledge of the author, the JWF still has not been debated and put up for revision to the EU Parliament. Despite their rhetoric, the returns continued with 3,120 in 2018 as mentioned before. Why does the EU continue to execute returns despite understanding the negative effect?

Still, Afghans continue to be a major group seeking asylum in Europe and Turkey. The continued migration flows to Europe and Turkey keep the EU fully engaged in executing the JWF. Afghanistan remains the top nationality of people seeking asylum in

³⁰³ “Addressing Refugee and Migrant Movements: The Role of EU External Action,” European Parliament (Brussels: 5 April 2017), accessed December 12, 2019, http://www.europarl.europa.eu/doceo/document/TA-8-2017-0124_EN.html

³⁰⁴ “European Parliament Resolution of 14 December 2017 on the Situation in Afghanistan,” European Parliament (Brussels: 14 December 2017), accessed December 12, 2019, http://www.europarl.europa.eu/doceo/document/TA-8-2017-0499_EN.html

Europe in 2019.³⁰⁵ Many Afghans are getting detained in Turkey in this process, while the Turkish government announced plans in May 2019 that it was planning on returning 100 thousand Afghans by the end of 2019.³⁰⁶ This relationship with the EU and Turkey is important to understand. The EU has made more significant deals with Turkey regarding immigration than maybe any other country. Turkey is crucial to the EU's plan to deter migration coming into the EU. For example, a Turkish official has claimed that in 2019 Turkey has stopped approximately 270 thousand migrants from entering the EU.³⁰⁷ In order to ensure Turkey's continued cooperation, since mid-2018, the EU has extended JWF reintegration assistance to Afghans who are returned by Turkey.³⁰⁸ In the first 5 months of 2019, Turkey sent over 20 thousand Afghan migrants back to Afghanistan.³⁰⁹ The EU will continue repatriation of Afghans as it still sees them as a major problem, but the Turkey- EU relationship will ensure the JWF remains in force. As the EU's repatriation of Afghan refugees becomes less politically viable, they must support Turkey's non-voluntary returns of the Afghan refugees. If the EU really believed what they said on 14 December 2017, then they would not engage in such a deal with Turkey that supports such mass deportations.

N. CONCLUSION

Livelihood for returnees, resilience for existing communities, aid support for the state, and a decrease in the flow of refugees to Europe were the mutual benefits that were

³⁰⁵ Council of the European Union, "Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration," (17 October 2019), 4.

³⁰⁶ Council of the European Union, "Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration," (17 October 2019), 5.

³⁰⁷ Council of the European Union, "Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration," (17 October 2019), 5.

³⁰⁸ Council of the European Union, "Communication from the Commission to the European Parliament, the European Council and the Council Progress Report on the Implementation of the European Agenda on Migration," (17 October 2019), 6.

³⁰⁹ Council of the European Union, "Whole of Route Approach to Migratory Movement of Afghans along the Silk Route" 4.

hoped to be achieved from the JWF. Overall, the JWF has provided outstanding benefits to one of the four parties concerned, which is GIRoA. In 2016, when GIRoA made this deal, there were over 1 million refugees returning to Afghanistan, and the approximate eight thousand more that came from Europe was not a large price to pay to ensure a CAPD with the EU and ensure increased aid support. GIRoA took advantage of an opportunity to utilize its migration challenges to pursue national priorities. It is likely that these gains, are what motivated Afghanistan to be the first Asian country to join the Comprehensive Refugee Response Framework in 2018, which aligns with the principles found in the GCR. The EU, on the other hand, has not gained a great advantage through the JWF, because the amount of returns from Europe has remained relatively consistent. However, due to the JWF, the EU has taken severe criticism for their lack of transparency in creating a non-binding agreement, which avoids parliamentary oversight, and for the human rights concerns associated with the deal and its execution. Indeed, the EU has lost some of its legitimacy as a standard-bearer for human rights and the rule of law, but its major gain is that it is able to use the JWF to support Turkey's Afghan migration problem. Turkey's efforts of mass deportation mutually support the EU's goals.

The existing communities and returnees have benefited from community development projects and reintegration programs as the EU and others pump development aid into the country. There is no doubt some individuals and families are benefiting. Yet it is not on a large scale. The EU's efforts at reintegration and community development appear to affect only a handful of the hundreds of thousands of returnees that come every year, especially as reintegration packages target mainly those coming from Turkey and Europe. Yet overall, returnees coming from Europe benefit is a net negative due to the economic and livelihood challenges, human rights violations, and security concerns they face upon return. There cannot be an overall positive benefit for returnees coming to Afghanistan while there is still widespread violence. Mutual gains as advocated in the JWF, which aligned with the principles in the GCR has not produced mutual gain in this case. Rather it was a reiteration of failed repatriation attempts of the past as the EU tried to promote the return of refugees prematurely before the environment was right. Patience by host nations who have Afghan refugees and support by the international community for

them should be the primary goal until the conflict in Afghanistan is fully resolved and proper conditions are established. Overall, the JWF benefited GIRA greatly and a small percentage of returnees and existing communities in Afghanistan gained, but it was at the cost of their European Afghan Returnees drinking the poison cup.

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V. CONCLUSION

The question that drove this research was: Can a wealthy nation or regional power implement solutions to migration that can morally and effectively reduce migration at home, help refugees, and develop host nations or countries of origin and their communities? This question also explored whether the solutions of the GCM and the GCR advocated by the new international refugee regime are effective at solving refugee migration problems. In order to answer this important question, this thesis analyzed the EU's migration deals with Jordan and Afghanistan to determine whether the new methods for addressing the refugee crisis produced mutual gains for the various parties. After examining the EU-Jordan Compact and the EU-Afghanistan Joint Way Forward Agreement, this research concludes that states benefited the most from these deals, while refugees and local communities saw minimal or no gains. This chapter compares the results observed by the EU, the states, communities, and refugees involved in the implementation of the novel solutions to the ongoing global refugee crisis, and reveals lessons learned regarding each of the groups. Lastly, this chapter will conclude with U.S. policy recommendations.

A. LESSONS LEARNED

1. States

The case studies revealed that states benefit most from the migration deals with the EU, due to the significant increases in aid and the formation of long-term political and economic relationships. In both Afghanistan and Jordan, the states developed new organizational structures in order to take ownership of the migration situation within a year of the EU approaching them to begin talks on addressing migration. Jordan created the Jordan Information Management System for the Syria Crisis (JORISS), while Afghanistan created both the High Council on Migration and the Displacement and Return Executive Committee (DiREC) as discussed in chapter four. These reorganization efforts allowed both Jordan and Afghanistan to take the lead in managing the migration situations in their countries, while enabling them to more effectively direct foreign aid toward their national

priorities and goals. Aid received from abroad was most utilized for development. This was not a result of any deal by the EU, rather, this was merely a product of the new institutions within Afghanistan and Jordan using foreign aid effectively to support national development. In addition to receiving billions of dollars' worth of aid and the ability to pursue new national development goals, the states also benefited from establishing a long-term relationship with the EU. This is especially true for Afghanistan, as the JWF led to the signing of the CAPD, which is the first legally binding partnership between the EU and Afghanistan. In the case of Jordan, it received a long desired relaxed ROO trade incentive, which is a great opportunity for economic development that has not fully been realized yet. Both countries benefit from newly established long-term relationships with the EU across a wide array of areas to include economic, political, and security arenas in addition to migration.

The most significant lesson learned from observing the effect of the new refugee regime on the states is that the states receiving aid are incentivized to seek migration agreements with regional powers, but that national ownership is required. Afghanistan and Jordan both showed that capitalizing on such a relationship required them to take ownership of their migration crisis, which enabled them to effectively utilize monetary support in pursuit of a clearly defined national development agenda. Lastly, the research revealed that states remain self-interested, and will take most of the gains for larger state development objectives at the expense of individual refugees unless there are specific measures in place to ensure the gains are distributed to refugees and returnees.

2. European Union

Originally, this thesis hypothesized that the EU as a regional power would ensure its own self-interest above all others and guarantee its own gains at the expense of the other states involved. Although this idea seems intuitive, the results are different. As mentioned in chapter two, the EU outsourced its migration control effort to third countries both as a self-preservation technique as a supra-national entity, and to preserve its identity as a leader in humanitarian principles and a unified bloc of European nations working to preserve peace and prosperity. To avoid further anti-EU and anti-immigration sentiment, it decided

to not debate EU policy internally, but to make deals with third countries to decrease migration. The EU worked to stem the flow of migrants to avoid fragmentation of member states and to prevent deaths in the Mediterranean, thus restoring its legitimacy as a leader in human rights. Overall, the EU has been able to drastically reduce the flow of migrants by outsourcing migration control efforts to host nations and countries of origin. From 2015 to 2018, border crossings fell from 1.8 million to under 200 thousand, representing a 90% decrease.³¹⁰

Although the EU achieved its goal of reducing the flow of migrants into the Eurozone, it is unlikely that the deals signed with Afghanistan and Jordan played a major role in achieving the reduction. Overall, the research shows that the EU's efforts in Afghanistan and Jordan did not decrease migration, but further hurt their international legitimacy as a protector of human rights. After the Jordan Compact was signed, Jordan closed its borders to Syria and took on no major additional refugee flows. One might argue that the Jordan Compact discouraged refugees from migrating to Europe, but there is no evidence to suggest this. The EU investment in Jordan produced little if anything in return.

In Afghanistan, the EU's return on investment was even worse. The JWF did not produce the ability to repatriate any more Afghans than before the agreement as discussed in chapter four. Furthermore, the EU gained little from decreasing its illegal Afghan population, but saw a further erosion of its perceived legitimacy as a world leader in human rights due to the secretive nature of the JWF negotiations and the premature return of Afghans to an unsafe and unsuitable environment. The EU signed the deal without the oversight of the EU parliament, showing a lack of respect for the rule of law and for transparency and attracting widespread international condemnation. The EU pressured Afghanistan into the agreement with incentives such as aid and a CAPD. Pakistan and Iran have returned millions of Afghans in recent years, far outpacing the numbers of returnees departing Europe. Despite this, EU still proclaims to live by a higher set of values regarding human rights. Even though the EU understood the importance of guaranteeing that

³¹⁰ "Migrant crisis: Illegal entries to EU at Lowest Level in Five Years," *BBC News*, January 4, 2019, accessed March 23, 2020, <https://www.bbc.com/news/world-europe-46764500>.

returnees should arrive in a safe environment, the EU still returned Afghan refugees to areas that were highly unstable. Although the EU admitted to violations of human rights in executing the JWF, it continued the repatriation of Afghans to maintain its migration deals with Turkey, which has been successful at decreasing the flow of refugees into Europe.

The success of the Brexit movement in the United Kingdom is a powerful reminder that migration challenges have the power to completely dissolve the EU. In light of this, the EU seeks to decrease migration at all costs, and its actions show that EU politicians are willing to neglect human rights if needed to preserve the unity of the Eurozone. The EU will remain committed to outsourcing migration control to third countries in an effort stem the flow of refugees into the Eurozone and preserve the unity of the European Union.

The principle lesson learned from examining the European Union's efforts to address the refugee crisis is that outsourcing can be very effective at reducing migration, although in these two cases it had little effect. Regardless, regional powers around the world may notice the overall effectiveness of the European migration policies and want to replicate them in their own region. Both cases have shown that the EU's migration strategy is not always effective, and that caution should be taken in accepting the EU's strategy outright. In the case of Afghanistan, the EU's policies came at the cost of discrediting the EU's record as a humanitarian world leader by displaying a lack of concern for human rights and the rule of law. Outsourcing migration presents ethical and moral dilemmas for regional powers that may present a choice between decreasing migration and living by democratic and humanitarian principles. Mutually beneficial outcomes are more likely to occur if negotiations are transparent and there is internal and/or external oversight. Regional powers are also able to provide significant incentives for host nations to locally integrate refugees, such as in the Jordan case. The two case studies both demonstrate that wealthy regional powers are best able to implement solutions to stem the flow of refugees. The success or failure of agreements that follow the principles of the GCM and GCR is largely dependent on whether these wealthy regional actors remain committed to protecting human rights and implementing a mutually beneficial solution, or if they instead opt to pursue more narrowly defined gains at the expense of the refugees.

3. Host and Existing Communities

Communities within Afghanistan and Jordan benefited to some degree due to the state's desire to avoid domestic political backlash. Avoiding domestic political backlash requires a state to consider the needs of the community when structuring any international agreement regarding the handling of refugees. In this way, communities benefitted indirectly from the solutions and agreements negotiated by the state. Jordanian leaders were especially concerned about appeasing the Jordanian community, and the government ensured that the benefit to the host community would outweigh the benefits to the refugees. One of the primary ways this was supposed to benefit Jordanian communities was through economic growth provided by EU trade incentives provided to Jordan through relaxed ROOs in SEZs. These special economic zones eventually expanded to encompass the entire country of Jordan, but Jordan's economy did not expand as rapidly as many had hoped. Jordan is still working to encourage investment and exploit the opportunity of having a relaxed ROO trade deal with the EU. However, community development projects made possible by EU funding have still helped both communities in Afghanistan and Jordan to some degree, despite the disappointing lack of economic growth in the wake of the EU trade deals. Overall, the Afghan and Jordanian communities did benefit, although this benefit was less than anticipated, and still far less than the benefits enjoyed by the overarching state.

The lesson learned in regard to communities is that they benefit through development projects and job opportunities but are still constrained in their overall ability to benefit from the agreements if the overall economy does not expand. Trade incentives can be a great part of a migration deal, but if the host nation does not have the institutional knowledge or capability to exploit the trade incentive, then citizens will not benefit. This was seen in Jordan's failure to fully exploit the economic benefits derived from its deal with the EU. Economic growth is needed to create new jobs needed for citizens and refugees. Without significant economic growth, development projects, skills development, and job opportunities will benefit only a few families, but not fully impact the entire host nation community for positive gains. Gains will only remain with the few who get to participate in any of the initiatives by the regional power.

4. Refugees and Returnees

There are mixed results when comparing refugees in Jordan and returnees in Afghanistan. The benefit for Afghans who returned from Europe due to the JWF was largely negative due to the poor security environment and weak economy in Afghanistan. Afghanistan remains one of the most dangerous places on the earth with one of the world's most underdeveloped economies. Most returnees were better off in host nations prior to their repatriation. However, the Jordan case shows a glimmer of hope that the principles of the GCM and GCR can provide gains for refugees. Syrian refugees in Jordan, prior to the Jordan Compact, were almost completely denied the opportunity to access livelihood opportunities. The Jordan Compact incentivized the state to partially integrate the refugees into the formal labor market by ensuring that a certain amount of Syrian refugees would be present in jobs that were utilizing the SEZs, and by requiring Jordan to issue 200 thousand work permits to Syrian refugees. Despite the SEZ venture severely underperforming, the effort to integrate Syrians into the formal labor market has had some positive results. Since 2016, over 179 thousand work permits have been issued, with over 40 thousand of them originating from the refugee camps.³¹¹ If the percentage of active permits stayed the same from 2018, then approximately over 50 thousand active permits exist in Jordan. Work permits provide significantly more opportunities for refugees than in the era prior to the signing of the compact. This is especially the case for those who have permits in the camps, as they are authorized freedom of mobility in Jordan with an active permit. Syrian refugees are still largely excluded from the formal labor market in many industries, but the Jordan Compact demonstrates that there is a way to encourage states to move toward local integration. As long as Jordan wants to maintain its relationship with the EU, then there is an opportunity for the EU to push Jordan towards further integration measures. This is slow uncomfortable progress, but the EU should continue to move this important initiative forward. The EU should self-examine how it spends its money, and only approve future funding that meets the goals of mutual gains for all, with special emphasis on furthering

³¹¹ Ministry of Labour Syrian Refugee Unit, "Syrian Refugee Unit Work Permit Progress Report January 2020," 1.

local integration for refugees.³¹² The EU should adapt, be a better learning organization, and hold Jordan accountable.

The lesson learned in regard to refugees is that states have little interest in protecting the rights of refugees. The problem is that there is no one who is negotiating on behalf of the refugees. Unless refugees want to be pawns in international relations then someone must sit at the negotiating table who advocates for them. In cases of repatriation, internal or external organizations should be able to confirm or deny that the environment for return is suitable. Additionally, to protect refugees, migration deals should not be secretive, but be fully transparent. In cases where states are incentivized to integrate refugees there needs to be more accountability and monitoring mechanisms to push host states to provide the necessary protections and integration for refugees. Regional powers should remain a learning organization and make all money or aid conditional upon meeting mutual gains with an emphasis on promoting local integration. If this is done, further progress may be possible.

B. U.S. POLICY RECOMMENDATIONS

The U.S. could promote the ideals of the GCR and GCM to decrease migration into the U.S. by enacting policies to help develop countries in the western hemisphere and encourage other nations to host refugees. I recommend that outsourcing migration to other countries can be effective under the following conditions:

- The U.S. should adopt the GCM and GCR and seek to ensure mutual gains for all in any migration deal. To ensure this, the U.S. should encourage a representative for refugees or migrants be allowed to participate in the negotiations between the U.S. and the host nation or COO.
- A pre-requisite for any host nation or COO to receive such a migration deal should be that it must have complete ownership of the migration situation through having the appropriate government agencies to lead and

³¹² Hanne Beirens and Aliyyah Ahad, “Money Wise: Improving How EU Funds Support Migration and Integration Policy Objectives,” Migration Policy Institute, March 2019, accessed March 23, 2020, <https://www.migrationpolicy.org/research/eu-funds-migration-integration-policy-objectives>.

promote local integration and national resilience. Additionally, host nations or COO must have a deliberate national development plan. Providing money or aid to a weak national government with no way of promoting mutual gains is wasteful and inefficient.

- Aid should be dependent upon strict accountability measures to integrate refugees locally. Trade measures could be utilized to benefit and build the economy of the host nation, but the deal should include other capacity building measures to help the host nation exploit the trade opportunity.
- For cases of repatriation, there should be an authoritative council, potentially in Congress or the Department of State, that determines the suitability of return to every country and whether repatriation is authorized or not.
- Constant monitoring, assessments, and feedback of the situation on the ground by an U.S. agency should be required to determine whether the mutual gains agreed upon in the negotiations are occurring and if money is being used effectively. Adjustments should be made as needed to ensure money is being used to achieve all U.S. interests and to promote resiliency and livelihood of all.
- All migration deals must be viewed with great transparency to maintain the legitimacy of the values of the United States and for the protection of refugees and migrants.

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